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ABSTRACT

This handbook was designed to help students learn the cultural contexts in which human rights are variously defined. It provides a comparative study of five nations, selected for their geographic and cultural scope, as a unique way to study human rights. Chapter 1 sets the stage for the study by presenting activities for establishing class objectives and examining the definition of human rights. Chapter 2 contains 90 readings from the five countries. These materials were selected for their value in illustrating the human rights situation in the five countries. International documents are included in chapter 2 which broaden the knowledge and understanding of human rights, such as "The Helsinki Agreement." Chapter 3 presents different activities and instructional strategies for presentation of the materials. Activities are included for different grade levels. Chapter 4 is the evaluation component in which an attitudinal questionnaire is administered to students to assess the effect of the unit on their attitudes. Bibliographies are included for elementary and secondary students. (SM)

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HANDBOOK

HUMAN RIGHTS



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**HANDBOOK ON HUMAN RIGHTS AND CITIZENSHIP:
Perspectives of Five Nations**

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But none of this would have come together without the silent and public sacrifices of the heroes and heroines of human rights from ancient times to the present — statesmen and saints, sinners and singers, litigants and lawyers, leaders and laymen. Human rights have never been achieved anywhere without sacrifice. Human rights will not be maintained without vigil. We dedicate this book to those who have defined human rights in our past, and to those students into whose care our human rights are to be delivered.

Henry Ferguson

Albany, New York
 December 1980

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If these materials are not supplied with the pages numbered above, please direct questions to the Center for International Programs, State Education Department, Albany, NY 12230.

PREFACE

Many talented persons made this *Handbook*. It is not the creation of any single person, or even of any single agency or institution.

The United States Department of Education provided the funds. "Citizen Education for Cultural Understanding"—Section 603 of the old National Defense Education Act—was the enabling program. Program Officer Steven Pappas was helpful and generous with his recommendations throughout the project, as were other professionals and staff in the Division of International Education.

The initial idea and inspiration came from Norman Abramowitz and a group of professionals in the Bureau of Social Studies Education, New York State Department of Education. Dr. Donald Bragaw, Chief of that Bureau, and Dr. Ronald Gerlach, then Director of the Law, Youth and Citizenship Project of the Bureau joined Dr. Janet Gilbert, then of the Division of General Education Curriculum in the Department and Norman Abramowitz to exchange ideas and form a grant proposal. Dr. Henry Ferguson joined their deliberations at a later stage.

Because these social studies professionals believed that the issues of human rights belong in the curriculum, but that previous attempts to introduce them had been static and unmemorable, a unique approach was conceived. Rather than to teach about instruments and institutions for human rights, it was determined to undertake a comparative study of five nations, selected for their geographic and cultural scope. Resource materials and bibliographies would be collected on Colombia, India, Italy, Nigeria and the Soviet Union. Strategies for using these resources in elementary and secondary school classrooms and in community and adult learning groups would be evolved through two teacher-participation workshops. Outreach to public libraries and even museums would form a component part of the coordinated effort.

The intention has been to strengthen Americans' commitment to their own democratic social ideals by virtue of knowledge gained about international and national definitions and practices of human rights.

Over one hundred persons helped bring this *Handbook* into being. Because it was designed to be a utilitarian affair, this process actually worked well, though not without difficulties. What was desired

was a looseleaf notebook designed for frequent and easy use by a wide variety of persons, from elementary and secondary school teachers to adult learners. In this format, those who use the *Handbook* may add their own pages, and even share portions with other people.

As the person charged with general supervision of the project, and as the person who made the final pages ready for the typesetter, I wish to record my gratitude to those who were involved. Dr. Linda Scatton worked hard and long as Project Director, pulling together a disparate group of persons and an even more disparate collection of resources. She was aided by Anne O'Brien Carelli, as Research Assistant, and Wendy J. Millheiser, both students at the State University of New York at Albany.

Two working groups deserve special praise, the group of "teacher education specialists" and the group of local coordinators. The local coordinators serve still as the conduits for our dissemination efforts. They undertook tasks which were only dimly understood, helped to define them and carried them out with rare skill and enthusiasm. Jill Salamone of Buffalo, Maurice Tandler of New York City, Joanne Dufour of Westchester County, Peter Knapp of Webster, near Rochester, and Jim Carroll of Syracuse earned the gratitude of the entire project staff.

The so-called teacher education specialists were far more than that. It was they who had not only to read every page of the materials assembled by our scholars, but had to determine what would be suitable for classroom use at different levels. In addition, they were to become the group leaders or facilitators at the project's major conference, a week-long training and learning session at Skidmore College, Saratoga Springs, New York. They were Janet Gilbert (again, and once more to come) of Albany, by now retired from the State Education Department. Corinne Mastruzzi, an elementary school teacher from Mamaroneck, Corinne Nyquist of the World Studies Center at the State University College at New Paltz, Walter Schneller, History Department head at the Hackley School, Tarrytown, Richard Erbacher of Levittown and Anne O'Brien Carelli.

Among the academic specialists who gathered the source materials were C. Sylvester Whitaker, University Professor of Political Science, Rutgers Uni-

versity (Nigeria), Barbara Ellery, Bethlehem Central High School (Nigeria), Stephen Koff, Professor of Political Science, Syracuse University (Italy), Frank Femminella, Professor of the Sociology of Education, State University of New York at Albany (Italy), Ines Sanmiguel Ochial, anthropologist at Interamerican Indian Institute in Chiapas, Mexico and a citizen of Colombia (Colombia), Antonio Galvis, Professor of History, Universidad Javeriana, Bogota, and 1978-79 Foreign Curriculum Consultant to the Center for International Programs (Colombia), William Bristol, Professor Emeritus of History, Union College, Schenectady (Colombia), Smt. Sharada Nayak, Director, Educational Resources Center of the State Education Department, New Delhi, India (India), Henry Ferguson, Director, Center for International Programs, State Education Department, Albany (India), Linda Scatton, Project Director (U.S.S.R.), Pavel Litvinov, a Soviet dissident in exile and teacher at the Hackley School, Tarrytown (U.S.S.R.), Sophia Lubensky, Professor of Slavic Languages and Literature, State University of New York at Albany (U.S.S.R.), and Sandra Vogelgesang, Bureau of Human Affairs, U.S. Department of State (U.S.A.).

It should be noted in passing that the materials which appear in the student readings represent many sides of many issues. The editors and collectors of these materials do not endorse any particular point of view. In fact, they are skeptical of some and contemptuous of others. But, in an effort to create a climate for understanding diverse approaches to human rights and civil liberties, both agreeable and disagreeable materials have been included. Student skill at recognizing bias or difference of perspective, we hope, will be one of the more important learnings.

Special writing was done by Janet Gilbert on the Secondary School and Anne O'Brien Carelli on the Elementary School "Justice Around the World" packets. An unusually creative mind and an understanding of curricular infusion procedures were required, and were delivered by these two talented associates. Corinne Nyquist compiled and wrote the "Community Resource Manual," emerging from her experience as director of the World Studies Center at the Sojourner Truth Library. We are certain that these will be useful both as part of the *Handbook* and separately for their particular purposes.

We thank Joan Ferguson who created the traveling exhibit, putting into tangible form that sublime abstraction — human rights. She, in turn, would like to thank the Olson Sign Company, Scotia, and Composition Corporation, Albany, for the skills they brought to the exhibit, but especially Thomas Prendergast of the United Nations for his efforts to make human rights more visible.

We extend thanks to the teachers, librarians, ad-

ministrators and community volunteers who not only participated in our two workshops, but whose combined efforts really made this project, and especially this *Handbook*, take shape:

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CHAPTER ONE

Introduction and Setting Objectives

Issues of human rights are as old as the human race itself — and just as diverse. Ever since people have clustered together in communities, they have had to decide how to distribute authority, obligations and resources to community members. It is a mark of human development that there is always a system for doing this. Outsiders (or even insiders) may or may not agree with a given system, but it always exists. This *Handbook* is an attempt to focus on such systems as they exist in five contemporary nations, to present evidence for how their political, social and cultural traditions of the past have evolved into the present-day situation, and to allow students the opportunity to view the practice of human rights in these countries from the perspective of a native citizen. The *Handbook* may be used in any way that suits this need.

It is the assumption of this *Handbook* that matters of human rights may form a parallel stream to any social studies topics being treated in the classroom, and that human rights issues may be infused into the examination of all cultures (including our own) in a consistent fashion. A focus of this sort allows student and teacher alike to look at history and civilization, at sociology, economics, anthropology, energy and government from the point of view of the individual: How did or how does a citizen of X live? What are the outlines of a citizen's political, social, economic and civil liberties? Detailing the policies of various governments in the observance of their citizens' human rights forms a challenging exercise for students. At the same time, it gives the teacher an opportunity to bring new emphasis and fresh perspective to material which he or she may have been teaching for years. By viewing human rights in the fullest sense, teachers and students will be able to go far beyond the standard American, knee-jerk response to the question, "What are human rights?" That is, they will begin to see that human rights go further and deeper than the United States Bill of Rights, and that it may be precisely those social and economic rights *not* mentioned in the U.S. Constitution which have been identified in many other nations today as the most crucial. We may not agree, but it behooves us to take a close look.

This *Handbook* has grown out of a year-long project, crowned by the concerted effort of more than one hundred teachers, librarians and adult education specialists from five selected regions of New York State (New York City, Long Island and Westchester, Buffalo, Syracuse, Rochester areas) who met and worked together in July 1980 at the Human Rights and Citizenship Workshop held under this program at Skidmore College in Saratoga Springs, N.Y. The group attempted to set its own learning objectives for human rights education, to arrive at a consensus definition of human rights, and to evaluate, add to, subtract from and build teaching strategies upon a set of materials and resources collected on human rights practices in five nations: Colombia, India, Italy, Nigeria and the U.S.S.R. These materials had been collected and compiled during the year by a group of academic specialists for the countries involved.

The most difficult task of the Workshop was to establish a definition of human rights that would guide discussion, construction of strategies and elaboration of exercises. This should have come as no surprise, for those of us involved in the project for over a year knew that few specialists have been able to agree on a solid definition of human rights which was not culture-bound to some extent. What happened in the Workshop was that participants uncovered their own personal principles and tested them against those of others. Some emerged with a new view of themselves. Almost all gained a new perspective on human rights in the United States, where citizens may enjoy more rights than most other of the world's peoples, but where conditions are still short of the ideal. The surprise for us was the political and emotional pitch which the deliberations reached during the sessions devoted to defining human rights. Obviously, people feel strongly in America about human rights because they come to the topic with strong commitments, preconditioning and even prior advocacy positions. In short, human rights, even in a nation which prides itself on humanitarianism, is value-laden to a very considerable extent. However, while a consensus definition of human rights may have been hard to reach, some all-important affective learning was taking place as participants were com-

pelled to examine their own values as such, and the effect those values had upon their perspectives.

It is useful and interesting to report here some of the definitions which were advanced:

- Human rights are those rights we in the U.S. have come to believe are necessary here and vital to the enjoyment of living everywhere.
- Human rights are statements of non-negotiable respect for other human beings that transcend the value structures of society.
- Human rights are those things we are entitled to as members of the human race, without control from governments.
- Human rights guarantee fulfillment of the basic needs of the individual which foster a sense of dignity and self-worth.
- Human rights are those that permit people to live their lives in dignity, good health, and peace so they can develop themselves to their fullest potential, without denying to others their rights.

What is presented in this *Handbook* reflects two closely related issues: this difficulty in defining human rights as described above, and the importance the project staff attaches to a participatory setting of learning objectives. Teacher and students—rather than a curriculum committee or supervisory staff—must determine specific learning objectives on the subject of human rights in much the same manner that the Workshop participants did. Any affective learning which will emerge from the study of human rights will be fleeting and unmeasurable unless the class itself participates in the setting of objectives in the first place. And it is precisely affective learning which is at the heart of human rights education.

In addition to affecting changes of values and attitudes toward other nations and cultures, the study of human rights will utilize some higher cognitive skills often neglected in American education. It will be necessary for the student to find a new cultural context in order to understand and assess the meaning of human rights in another nation. This requires the student to exercise his or her skill in inductive thinking, an opportunity all too rare lately in the social studies. The student must be able to crawl inside the culture under study, to experience it in a vicarious manner, and to process information about human rights within that culture before evaluating human rights in that culture or evolving a general definition of human rights.

Finally, if the learning experience is meaningful, there will be behavioral changes: we hope that learning about human rights in five foreign nations will improve citizenship in our own. That improved citizenship will not only include a better understanding of human rights in the context of the American political and cultural environment, but an appreciation for

how these rights are defined and practiced elsewhere. Improved citizenship will include also a capacity to communicate sensitively and effectively to peoples in other lands just what Americans mean by human rights.

Thus, the overall goals for the present *Handbook on Human Rights and Citizenship* are: (1) to help students learn the cultural contexts in which human rights are variously defined and practiced and to assess human rights from that perspective; (2) to sharpen inductive learning skills for learning about cultures that are different from our own, and (3) to change behavior patterns toward more positive and thoughtful citizenship.

In bringing human rights into the classroom, teachers will want first to work with their students in setting learning objectives with regard to this somewhat elusive topic. Obviously, any classroom is a natural setting for discussions of rights and responsibilities and their routine practice, since only a successful balance of these yields a productive learning environment. The challenge for *international*/human rights education is to build upon this natural foundation by adding elements imported from countries and concepts far beyond the U.S. classroom. Teaching and learning about human rights requires setting objectives each and every time the subject is approached as a joint activity between students and teacher. These objectives set the shape of the learning process, which includes the way in which the subject matter is infused, the content, the strategies and activities and the feedback. Results of considering human rights issues in the classroom must be evaluated not only according to these objectives, but also according to the process actually carried out.

When setting objectives within the classroom there are four categories which should emerge:

- (1) Learning about human rights in other nations — facts, figures, illustrations.
- (2) Sharpening critical thinking skills, that is, the capacity to observe another culture with enough sensitivity to avoid the cultural baggage brought to the inquiry by the student.
- (3) Altered attitudes regarding human rights in other nations and in the international instruments which are sensitive to the political, historical and cultural context from which they emerged. This should help move away from uncritical and ethnocentric acceptance of things as they are.
- (4) New behavior in respecting and reacting to the rights of other individuals, groups, cultures and nations; new behavior in how to go about learning from other cultures.

The following exercise was used with teachers at a summer workshop on human rights education and might be easily adapted for secondary school stu-

- Does someone *give* us rights?
 - Do all people have rights?
 - Do grown-ups have more rights than children—or are their rights just different?
 - Do children have some special rights as children?
- (b) Have each student make a list of rights enjoyed at home, in the neighborhood, in the community, in the nation. How successful this will be depends upon the nature of the teacher-class relationship and the grade-level of the class.
- (c) Discuss:
- How do others in the class feel when I have the right to do anything I want to do?
 - Are others affected by what I do?
 - What happens when two students in the class have the same right, such as the right to talk loudly? the right to be first in line?
- The notion that rights are shared may emerge from this discussion.
- (4) *Setting Learning Objectives*
- Now, the class should be ready to determine what it would like to learn about basic or human rights. Some classes at the upper elementary level may be able to use the form recommended for secondary classes. Most elementary grades, however, would be better served by open class discussion, leading to a list of three or four objectives for learning about human rights which is posted in a prominent place on bulletin board or chalkboard.

Defining Human Rights

It seems natural to expect that one of the major learning objectives which will emerge from the preceding exercise is the students' desire to find out just exactly what the term "human rights" suggests. What are human rights? Although a truly definitive answer to this question has yet to appear anywhere, there are many ways to help your students become aware of the issues involved. One way to start is to ask them to define human rights, as they understand the term. This can be done using Exercise 3, which follows: DEFINING HUMAN RIGHTS.

EXERCISE 3: *Defining Human Rights*

LEARNING OBJECTIVES:

- (1) To think about and examine individually what students understand by the term "human rights."
- (2) To find common ground with other students in defining the term.
- (3) To establish a consensus definition of "human rights" which will guide further inquiry.

TYPE OF GROUP: Grades 6-12; also adult.

TIME REQUIRED: 45-60 minutes

MATERIALS:

Standard classroom materials.

HOW TO PROCEED:

- (1) Pass out Form A. Each person is to fill out a form. Again, students may wish to code their forms.
- (2) Have class members share their lists of rights and then pair up or group with other class members who share the same #1 human right. Start a discussion by asking around the groups why they have chosen the right they have named. Be sure to call on the oddball, too, the person who found no one else with the same match.
- (3) After diminishing returns on Step 2, pass out Form B (excerpts from various constitutions, unnamed). (Form B is intended for grades 9-12 only. Elementary level may ignore it.) Ask the groups that have formed (no fewer than 3 or more than 6 students is the ideal) to use this Form and individual responses on Form A to arrive at a group consensus definition of human rights. Have them write this out as their group consensus.

dents as well. An alternative for elementary school use follows. Both suggest a good ice-breaking technique to help students get to know each other's views at the beginning of the school year, or at any other time that seems appropriate for starting the infusion process.

EXERCISE 1: *Setting Individual and Group Learning Objectives—Secondary Grades*

LEARNING OBJECTIVES:

- (1) Establish a consensus which will govern the work of the entire course or session.
- (2) Learn how to set learning objectives for a special study.
- (3) Learn that the learner is the most important individual in learning, not the teacher.

TYPE OF GROUP: Grades 9-12

TIME REQUIRED: 30-45 minutes

MATERIALS: Standard classroom materials.

HOW TO PROCEED:

The strategy here is to work from individual to group agreement, from what we have brought to the classroom to what we want to take from it as a group and as individuals.

- (1) Write the following question on the board and ask the students to write their answers at their seats. Tell them *not* to put their names on their papers. Teacher may also answer in writing. Allow 5-10 minutes. Have students code their papers for later recognition. Give no further instructions.

QUESTION: What are the three most important learning objectives for you as a person, as a student, and as a citizen with respect to human rights and citizenship around the world?

- 1)
- 2)
- 3)

- (2) Collect the papers.
- (3) Read from randomly selected papers. Teacher may prefer to read from his or her own as well. This process should generate discussion. Ask individual authors if they have anything to add to their statements. Do not proceed in a regular order, and do not necessarily ask each student for elaboration.
- (4) Return papers to students, and then work with them to establish a class consensus on a set of three to four objectives which will guide class work during the entire school year or the individual session.
- (5) Have this identified as the class consensus and display it prominently on chalk or bulletin board.

EXERCISE 2: *Setting Learning Objectives—Elementary Grades*

LEARNING OBJECTIVES:

- (1) Learn to identify a discrete subject for special examination.
- (2) Learn how to set learning objectives for a special study.
- (3) Learn that the learner is the most important individual in learning, not the teacher.
- (4) Learn to make an abstract concept come alive for children.

TYPE OF GROUP: K-6

TIME REQUIRED: One or two class periods or introduced gradually

MATERIALS:

Standard classroom materials.

HOW TO PROCEED:

- (1) *Introduction*

Human rights is such an abstract concept that most primary students will have great difficulty grasping it.

Therefore, it most first be demonstrated.

Select a group consisting of about one third of the entire class. Give this group special privileges which are clear to the group and to the remainder of the class. *Do not explain why these special privileges have been granted.*

Continue the special privileges until someone in either the special group or the main class protests, "Teacher, that's not fair!" or some similar comment.

- (2) *Activity*

- (a) Students should make personal lists of what isn't fair.

Students should make separate lists of things that are fair.

After each student has made his or her list, group the class into smaller sections of three or four students each. Ask each group to come up with a list that all can agree to. If student teachers or teacher's aides are available, they may help where necessary to guide the activity.

Each group then writes its fair/unfair lists on the board.

The entire class discusses what has emerged.

- (3) *Human Rights Discussion*

- (a) At this point, it may be possible to isolate "rights" and "responsibilities." Experience suggests, curiously, that elementary level students tend to confuse the two, often listing as "rights" what are clearly duties.

Questions:

- What are rights?
- Where did they come from?

FORM A
(use for Exercise 3)

1. Make a list of the human rights you feel are most important to you as a person. *Number them in rank order in descending order of importance.*

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

2. Make a list of those things that you believe no one should have the right to do.

3. Write a one or two sentence definition of what *you* mean by "Human Rights."

While it is manifestly unfair to isolate such brief items on human rights from their cultural context, there are listed here some rights which might be expressed by members of each of the five cultures under study.

These statements are to be taken into consideration as you try to formulate a definition of human rights in this Exercise.

1. Every person has a right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty.

A person shall not be regarded as having been deprived of his life in contravention of this section if he dies as a result of the use, to such extent and in such circumstances as are permitted by law, of such force as is reasonably necessary.

- for the defence of any person from unlawful violence or of the defence of property;
- in order to effect a lawful arrest or to prevent the escape of a person lawfully detained; or
- for the purpose of suppressing a riot, insurrection or mutiny.

2. The State guarantees freedom of conscience. No one shall be molested by reason of his religious opinions or compelled to profess beliefs or observe contrary to his conscience. The freedom of all sects that are not contrary to [this nation's] morality or to the laws is guaranteed. Acts contrary to [our] morality or subversive of public order that may be committed on the occasion or under the pretext of worship are subject to the general law.

3. Citizens of [this country] are guaranteed freedom of conscience, that is, the right to profess or not to profess any religion, and to conduct religious worship or atheistic propaganda. Incitement of hostility or hatred on religious grounds is prohibited. In [this country], the church is separated from the state, and the school from the church.

4. The press is free in time of peace, but responsible, under the law, for attacks on personal honor, the social order, or the public tranquility.

5. All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.

6. The State shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.

7. All religious denominations are equally free before the law. Religious denominations other than [name of denomination] are entitled to organize themselves according to their own creed provided that they are not in conflict with [the named denomination's] juridical organization. Their relations with the State are regulated by law on the basis of agreements with their respective representatives.

8. Enjoyment by citizens of their rights and freedoms must not be to the detriment of the interests of society or the state, or infringe the rights of other citizens.

9. Citizens' exercise of their rights and freedoms is inseparable from the performance of their duties and obligations.

10. All are entitled to freely profess their religious convictions in any form, individually or in associations, to propagate them and to celebrate them in public or in private, save in the case of rites contrary to morality.

11. The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them. No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to access to shops, public restaurants, hotels and places of public entertainment; or the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public. Nothing in this article shall prevent the State from making any special provision for women and children. Nothing in this article . . . shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens.

12. The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.

13. Private ownership and other rights acquired under just title, according to civil law, by natural or juridical persons, are guaranteed and may not be ignored or disturbed by subsequent laws. When the application of a law issued for reasons of public benefit or social interest results in a conflict between the rights of individuals and the necessity recognized by that law, the private interest must yield to the public or social interest. Property is a social function that entails obligations. For reasons of public benefit or of social interest defined by the lawmaker, there may be expropriation by judicial order and after indemnification.

14. The personal property of citizens and the right to inherit it are protected by the state. Citizens may be granted the use of plots of land, in the manner prescribed by law, for a subsidiary small-holding (including the keeping of livestock and poultry), for fruit and vegetable growing or for building an individual dwelling. Citizens are required to make rational use of the land allotted to them. The State and collective farms provide assistance to citizens in working their small-holdings. Property owned or used by citizens shall not serve as a means of deriving unearned income or be employed to the detriment of the interests of society.

15. The National ethic shall be Discipline, Self-reliance and Patriotism.

16. For the purpose of promoting national integration it shall be the duty of the State to provide adequate facilities for and encourage free mobility of people, goods and services throughout the Federation; secure full residence rights for every citizen in all parts of the Federation; encourage intermarriage among persons from different places of origin or of different religious, ethnic or linguistic associations or ties; and promote or encourage the formation of associations that cut across ethnic, linguistic, religious or other sectional barriers.

Defining the Definitions — A Glossary with Exercise

In any class discussion of human rights, whether based on specific text or not, there are standard words and terms which will appear and demand definition or redefinition. The Glossary which follows was developed for just such occasions. In addition to the Glossary, which is intended for teacher use, there is an Exercise for students included here which makes use of the glossary entries as motivation for "Look-up Teams." (Exercise 4)

GLOSSARY

This glossary consists of words that might be used during class discussions that pertain to the topic of International Human Rights & Citizenship. **THIS LIST IS NOT TO BE MEMORIZED BY THE STUDENTS.** The definitions are to serve as an impetus for discussion only. When reviewing the Glossary words, encourage the students to consider the meaning of the word in the context of human rights.

The dictionary definition may not indicate the everyday understanding of the word. For example, who determines if a country is *underdeveloped* or if a person is *disadvantaged*? Do the producers of *propaganda* believe in what they are writing? What are *adequate* or *decent* conditions or *basic needs*? When is someone *safe* and *secure*?

It may be helpful to begin with the Glossary words *perspective*, *western*, and *culture* so that the students can see that words mean different things to different people. Some examples of approaches to discussing the words are listed below:

- adequate*: barely satisfactory or sufficient; lawfully and reasonably sufficient; able to satisfy a requirement; suitable
- amnesty*: the act of an authority (as a government) by which pardon is granted to a large group of individuals
- assemble*: to bring or gather together into a group or whole; to gather together, congregate
- asylum*: an inviolable place of refuge and protection giving shelter to criminals and debtors; a place of retreat and security; protection from arrest and extradition given especially to political refugees by a nation or by an embassy or other agency enjoying diplomatic immunity
- authority*: the right and power to command, enforce laws, exact obedience, determine, or judge; power to influence or command thought, opinion, or behavior
- basic*: of, relating to, or forming the base; fundamental; starting point
- choice*: the act of choosing; selection; the power of choosing options; a sufficient number and variety to choose among
- conscience*: the sense or consciousness of the moral goodness or blame-worthiness of one's own conduct, intention, or character together with a feeling of obligation to do right or be good; sensitive regard for fairness and justice
- constitution*: the basic principles and laws of a nation, state, or social group that determine the powers and duties of the government and guarantee certain rights to the peoples in it; the document on which the system is recorded

- culture*: the integrated pattern of human behavior that includes thought, speech, action, artifacts, arts, beliefs, institutions, and all other products of human work and thought characteristic of a community or population
- disadvantaged*: lacking in the basic resources or conditions (as standard housing, medical and educational facilities, and civil rights) believed to be necessary for an equal position in society
- decent*: appropriate; conforming to current standards of living; adequate, passable, tolerable
- detention*: the act or fact of detaining; a holding in custody; a holding back; the state of being detained; especially a period of temporary custody prior to disposition by a court
- dignity*: the quality or state of being worth, honored, or esteemed; a high rank, office, or position
- discrimination*: the process by which two stimuli differing in some aspect are responded to differently; differentiation; prejudiced or prejudicial outlook, action, or treatment
- dissident*: differing with an opinion or a group; differing, dissenting
- doctrine*: a principle or creed of principles presented for acceptance or belief, as by a religious, political, scientific, or philosophic group; a statement of fundamental government policy especially in international relations
- equal*: the same measure, quantity, amount, or number as another; like in quality, nature or status; regarding or affecting all objects in the same way; having the same privileges, status, or rights
- exile*: forced removal from one's native country; voluntary absence from one's country; a person expelled from her or his country by authority; banished, expelled
- expression*: an act, process, or instance of representing in words or some other medium; something that manifests, embodies, or symbolizes something else
- free*: having the legal and political rights of a citizen; enjoying civil and political liberty; not subject to the control or domination of another; not bound, confined, or detained by force; immune to arbitrary interference by government or others
- fundamental*: relating to essential structure, function, or facts; of central importance; principal; basic; having to do with the foundation; major, central, key
- genocide*: the committing of certain acts with intent to destroy a national, ethnic, racial or religious group
- government*: the continuous exercise of authority over and the performance of functions for a political unit; the officials comprising the governing body of a political unit; authoritative direction or control
- human*: relating to, or characteristic of man or mankind; pertaining to or being a man as distinguished from a lower animal; intellectually and morally superior; a person
- improve*: to enhance in value or quality; make better; to advance or make progress in what is desirable
- inalienable*: not to be transferred to another
- inferior*: situated at a lower degree of rank; of little or less importance, value or merit; low or lower in quality, status, or estimation; inferiority (adverb)
- information*: the communication or reception of knowledge or intelligence; the knowledge obtained from investigation, study, or instruction; facts, data
- justice*: moral rightness; equity, honor, fairness; fair handling; to treat fairly or adequately; the administration and procedure of law; due reward or treatment
- law*: a binding custom or practice of a community; a rule of conduct or action prescribed or formally recognized as binding or enforced by a controlling authority; the whole body of such customs, practices, or rules
- liberty*: the quality or state of being free; the power to do as one pleases; the positive enjoyment of various social, political, or economic rights and privileges
- limits*: something that bounds, restrains, or confines; a prescribed maximum or minimum amount, quantity, or number
- need*: a condition or situation in which something necessary or desirable is required or wanted; a wish for something that is lacking or desired; a condition of poverty or misfortune
- opinion*: a view, judgement, or appraisal formed in the mind about a particular matter; belief stronger than impression and less strong than positive knowledge; a generally held view

opportunity: a favorable or advantageous combination of circumstances; favorable time or circumstance

oppression: unjust or cruel exercise of authority or power; something that so oppresses; a sense of heaviness or obstruction in the body or mind

order: regular or harmonious arrangement; the prevailing mode or arrangement of things; the customary mode of procedure; the rule of law or proper authority

origin: that from which anything derives its existence; a source or cause; parentage, ancestry, derivation

peace: a state of tranquility or quiet: as freedom from civil disturbance; a state of security or order within a community provided for by law or custom

persecute: to harass in a manner designed to injure, grieve, or afflict; to cause to suffer because of belief; to oppress with ill-treatment

perspective: subjective evaluation of a relative significance; point of view

poverty: the state of one who lacks a usual or socially acceptable amount of productive resources, land, food, shelter, clothing, and other material possessions

power: strength or force exerted or capable of being exerted; the ability or official capacity to exercise control; the might of a nation, political organization or similar group

prejudice: an adverse judgement or opinion beforehand or without knowledge or examination of the facts; injury or damage resulting from some judgement or action of another in disregard of one's rights; an irrational attitude of hostility directed against an individual, a group, a race or their supposed characteristics

progress: to move forward; proceed; to develop to a higher, better or more advanced stage (*progressive:* of, relating to, or characterized by progress)

prohibit: to forbid by authority; to prevent from doing something

propaganda: the spreading of ideas, information, or rumor for the purpose of helping or injuring an institution, a cause, or a person

property: a possession; something owned; the exclusive right to possess, enjoy and dispose of a thing; something tangible or intangible to which its owner has legal title

protect: to keep from harm, attack, or injury; to guard

reasonable: rational; within the bounds of common sense; not extreme or excessive; fair, moderate

rebellion: opposition to one in authority or dominance; open defiance or resistance to an established government

refugee: one that flees for safety; one who flees to a foreign country or power to escape danger or persecution

right(s): the power or privilege to which one is justly entitled; something that one may properly claim as due; in accordance with justice, law, morality or another standard

safe: freed from harm or risk; secure from threat of danger, harm or loss

secure: free from danger, risk, or loss; safe

slavery: submission to a dominating influence; the state of being a slave (*servitude,* noun: the state of subjection to another that constitutes or resembles slavery or serfdom)

struggle: a violent effort or exertion; a strong and strongly motivated attempt; contest; combat, strive; to proceed with difficulty or with great effort

suffrage: the right of voting in political matters or the exercise of such right

suitable: appropriate to a given purpose or occasion

terrorism: the use of terror, violence and intimidation to achieve an end; fear and subjugation produced by this; a system of government that uses terror to rule

tyranny: a government in which absolute power is vested in a single ruler; arbitrary and despotic government; especially rigorous, cruel, and oppressive government

underdeveloped: failing to realize a potential economic level of industrial production and standard of living

violate: disregard; to break (a law or regulation, for example) intentionally or unintentionally; transgress

western: of or relating to the non-communist countries of Europe and America

worth: the value of something measured by its qualities or by the esteem in which it is held; moral or personal value

Portions of definitions have been drawn from those dictionaries in most common school use.

- Does the meaning of the word vary depending on:
 - the context?
 - the culture?
 - the speaker? listener? writer?
 - the underlying message?
- Is there a hidden meaning to the word when it's used in certain ways?
- Does the dictionary definition always explain how the word is often used?
- Is there agreement/conflict in the interpretation of the word?
- Can your interpretation of the meaning change? How? Why? Under what conditions?
- How does the meaning of the word help to clarify/inhibit you when you speak/write?
- How does the meaning of the word help to clarify/inhibit you when you speak/write?
- How can the meaning of the word be misunderstood? What helps to clarify what you really mean?
- Can you invent a new word that expresses what you really mean?
- How could you use the word to symbolize another meaning?
- What are some synonyms or antonyms for the word? Why would you use one specific word instead of its synonym?
- Can the meaning of the word be expressed more effectively in poetry? music? prose?
- Will there ever be a final definition established for the word?
- Is there a need to define the word as you speak/write?
- Is the word no longer used? Why not? Has a word replaced it? Is the meaning obsolete? Is it unacceptable in certain contexts/cultures?
- Is the word a new term developed in the last decade? Is it a word of the future?

EXERCISE 4: *Human Rights and Citizenship Glossary/Look-up Teams*

LEARNING OBJECTIVES:

- (1) To prepare students to deal with issues and language of human rights.
- (2) To help students understand how cultural contexts shape definitions.

TYPE OF GROUP: Grades 5-12

TIME REQUIRED: 45-60 minutes

MATERIALS:

Copies of words listed on following pages

Dictionaries for all. N.B.: Use as many different compiler dictionaries as possible.

HOW TO PROCEED:

- (1) Divide class into look-up teams (3-6 per team).
- (2) Divide up list of 66 words accordingly, or select from the list those words you judge most important for your class. Assign 5-10 words per look-up team.
- (3) Ask students to form a composite definition, from at least 2 dictionaries, for each word. (20 minutes).
- (4) Have students reassemble for discussion which should follow the pattern indicated on the

teacher's annotated Glossary with Exercise.

- (5) If possible, follow up with the exercise, "Translating the Universal Declaration of Human Rights."

PROBLEMS TO ANTICIPATE:

Students will be content with most familiar definitions and think no further.

Existing Definitions Of Human Rights

Once they have been sensitized to human rights issues, students should be interested to know which rights, if any, are officially recognized as Human Rights. The Universal Declaration of Human Rights, adopted by the U.N. General Assembly in 1948, lists 30 rights viewed by almost all of the countries of the world as the most fundamental. It is included here for your reference. You may, of course, wish to reproduce it as is for your students, or you may wish to prepare for them a less wordy, more straight-forward version, geared to their reading and intellectual level. An alternative classroom use of the Universal Declaration of Human Rights would be for secondary school students to "translate" it themselves into everyday language, and to provide appropriate examples or illustrations/case studies from their own knowledge or experience. Exercise 5 is one approach.

Dictionary Entries for Look-up Teams

adequate	genocide	prejudice
amnesty	government	progress
assemble	human	prohibit
asylum	improve	propaganda
authority	inalienable	property
basic	inferior	protect
choice	information	reasonable
conscience	justice law	rebellion
constitution	liberty	refugee
culture	limits	right(s)
disadvantaged	need	safe
decent	opinion	secure
detention	opportunity	slavery
dignity	oppression	struggle
discrimination	order	suffrage
dissident	origin	suitable
doctrine	peace	terrorism
equal	persecute	tyranny
exile	perspective	underdeveloped
expression	poverty	violate
free	power	western
fundamental		worth

EXERCISE 5: *Translation and Annotation of the Universal Declaration of Human Rights*

LEARNING OBJECTIVES:

- (1) To understand the document.
- (2) To find relevant experience from student's own knowledge.

TYPE OF GROUP: Grades 5-12

TIME REQUIRED: 45-60 minutes

MATERIALS:

"Universal Declaration of Human Rights," Reading C, pp.3-7, for each participant.

HOW TO PROCEED:

There are 30 rights in the Universal Declaration of Human Rights. Break students up into groups of 3-8. Assign each student group 4-6 rights to translate and annotate. They will work together to formulate a plain English statement for each of the rights assigned to their group. In addition, they will provide a one- or two-sentence illustration from their own experience which pertains to each right assigned to them. Group members will write

down final versions for class presentation. (Allow 15-20 minutes for this.) Reassemble as full class. Have each group present its translations, encouraging each group member to give at least one translation or illustration. Ask for class comments, revisions. (Alternative might be to have translations written on board by students—but this might take too much time.) Final version, acceptable to all, would be typed, dittoed and distributed to all students for reference, *or*, students might wish to prepare a poster with their translated version to be displayed in a prominent place in the classroom (or elsewhere in the school).

PROBLEMS TO ANTICIPATE:

Language of the Universal Declaration of Human Rights may be too difficult for 5-6 graders. Teacher should be prepared to help groups. Perhaps Human Rights Glossary exercise should precede this one.

EXTENSION ACTIVITIES:

Have students continue to find illustrations from their own experience and add these statements or pictures to the bulletin board exhibit.

CHAPTER TWO

Materials and Resources: Moving on to Case Studies and Specifics

With the class sufficiently sensitized to issues of human rights, teachers may now wish to use selectively the resources and materials which follow. These are of several varieties. Most important for the proposed "crawl under the skin" approach of this *Handbook* are the articles and documents collected from and about the five nations involved in the project: Colombia, India, Italy, Nigeria and the U.S.S.R. The ones which appear in this volume are here because the teachers who participated in the Human Rights and Citizenship Workshops in 1980 felt that they would be valuable for classroom use. These teachers chose from a large number of collected materials, and they constructed classroom strategies and exercises based on those they judged to be useful. The compilers of the *Handbook* have deferred to the teachers' judgment in almost every instance, and the choice of items listed here reflects this fact. Included in Chapter Three are the strategies developed by the Workshop participants on the basis of the materials they selected from among those presented for their examination. Although some strategies may be used without reference to the materials, and conversely, the materials themselves may be exploited for entirely different classroom purposes, they are basically interdependent. The teacher will be pleased to note that all of the specific resources necessary for carrying out the strategies appear either in full or in summary form in the *Handbook*. In the rare instance where this is not so, careful documentation is provided as to where and how they may be obtained. In addition, the interests of the elementary and middle school student are served by condensed and somewhat simplified versions of some of the articles.

Two bibliographies of direct use to the teacher and the precollegiate student follow: *Student Bibliography* of titles particularly appropriate to readers between grades 5 and 12, and for the teacher, *Study Guides and Curriculum*, a list of classroom materials selected after thorough review by other teachers.

The other bibliographies are also appropriate to public libraries and the adult learners who they serve. Because the *Community Resource Manual* is made available separately to librarians and community groups, it contains the main bibliographies. Users of the *Handbook* will find it included at the end of

the book. Included are: *Ten Most Wanted Books on Human Rights*, a basic list of books every school and public library should own; *General Bibliography*, a somewhat longer annotated listing; *Periodicals* dealing with human rights lists serials devoted to the subject (but not articles which, where important, appear in the other listings); *Media Bibliography* of films, filmstrips, records and other non-book media.

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Elementary Level

Some middle level titles will be found in this list also. Crowder, W.W. "Social Studies—Strategies for Teaching About Human Rights," *Instructor Magazine*. v. 88, no. 3, October 1978, pp. 165-66.

Declaration of the Rights of the Child Teacher's Kit. New York: UNICEF.

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Epstein, Edna. *The United Nations*. New York: Franklin Watts, 1973.

Fisher, Aileen and Olive Rabe. *Human Rights Day*. New York: Crowell, 1966.

Fisher, Dorothea Canfield. *A Fair World for All: The Meaning of the Declaration of Human Rights*. New York: McGraw-Hill, 1952. Presents the Universal Declaration of Human Rights text with interpretation of each article in "everyday language." Each chapter explains one article, describing what the right means and the ways in which people suffer when deprived of the rights.

International Understanding at School. New York: UNESCO, Unipub.

The Legal Rights of the World's Children. New York: UNICEF.

Loescher, Gil and Ann. *Human Rights: A Global Crisis*. New York: Dutton, 1979. What are human rights? How can they be protected? The authors explain why it is difficult to arrive at a full definition of human rights and discuss the ways in which such rights are systematically abused in four countries: the Soviet Union, South Korea, South Africa, and Brazil. The final two chapters describe the vital work of dedicated individuals, organizations and governments to promote the protection of hu-

- man rights. Middle school reading level.
- McNeer, May Y. and Lynd Ward. *Armed with Courage*. Nashville: Abingdon, 1957.
- Nehta, Rama. *The Life of Keshav: A Family Story from India*. New York: McGraw-Hill, 1969.
- Meltzer, Milton. *The Human Rights Book*. New York: Farrar, Straus, Giroux, 1979. Discusses the evolution of a concept of human rights, how these rights are defined and interpreted throughout the world, to what degree they are observed or violated, and the international institutions and agencies responsible for gaining and maintaining these rights for individuals. Excellent source book for grades 6-12.
- Morton, M., ed. *A Harvest of Russian Children's Literature—A Treasury for All Ages*. Berkeley: University of California Press, 1970. Contains two children's stories related to human rights: "Van-ka" by Anton Chekhov and "Mumu" by Ivan Turgenev.
- Nigeria in Children's Books and Other Materials*. New York: UNICEF.
- Nigeria—Teaching Plans and Materials for Secondary Teachers and Students*. Lexington, Kentucky: Center for Professional Development, University of Kentucky, 1980. Curriculum. Like its elementary school counterpart, it concerns Nigerian life in general, but is useful for insights into human rights attitudes.
- A Nigerian Notebook—Units and Resources for Teachers and Parents: Early Childhood and Elementary*. Lexington, Kentucky: Center for Professional Development, University of Kentucky, 1980. Curriculum centers on Nigerian customs and daily life, but contains relevant material on human rights.
- People Have Rights! They Have Responsibilities, Too*. Detroit, MI: Wayne State University, 1980. Excellent curriculum for elementary and middle grades.
- Primary Education: Some Recent Articles*. New York: UNICEF.
- Reardon, Betty. *Human Rights*. Philadelphia: The School District of Philadelphia and The World Affairs Council of Philadelphia.
- Snyder, Gerald S. *Human Rights*. New York: Franklin Watts, 1980.
- Some Suggestions on Teaching about Human Rights*. New York: UNESCO, Unipub.
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- Speiser, Jean. *UNICEF and the World*. New York: Day, 1965.
- Tankard, Alice. *The Human Family, Human Rights and Peace*. Detroit, MI: Wayne State University, 1975. A source book for the study and discussion of the Universal Declaration of Human Rights; a lay version for the common man, woman and child.
- Teaching About the Rights of the Child*. New York: UNICEF.
- Walker, B. *Dancin' Palm Tree and Other Nigerian Folktales*. New York: Parent's Magazine Press, 1968. Eleven folk tales from Nigeria that entertain and teach.
- Webb, Robert N. *Simon Bolivar: The Liberator*. New York: Franklin Watts, 1966.
- Woodhouse, Sara. *Your Life, My Life*. London: Writers and Scholars Educational Trust, 1980. Introduces ideas about human rights and responsibilities to children by helping them to identify ways in which human problems can be solved other than by violence and oppression. Presented through examples from family problems, case studies and through images which link the experiences from a child's life to the wider issues that affect mankind. For 11-14 year olds, but may be adapted for use by older or younger children. Resources and activities are geared toward British audience.
- Zei, Alki. *The Sound of the Dragon's Feet*. New York: E. P. Dutton, 1979. Ten-year old Sasha in pre-Revolutionary Russia learns the realities of terror and injustice in the world. Roughly translated, but good depiction of tsarist Russia and Sasha's revolutionary tutor, Mooney.
- Secondary Level*
- Teachers are advised to review the Elementary list carefully, as there are some most appropriate titles there, too. The following could be used by elementary and middle school students with vocabulary development and teacher guidance.
- Fraenkel, Jack. *The Struggle for Human Rights—A Question of Values*. New York: Random House, 1975. A publication of the Institute for World Order, this booklet examines the world-wide struggle for human rights and their relationship to personal and national values systems. The booklet includes news stories from around the world as illustrations of the problem; an appendix contains the Universal Declaration of Human Rights. Simply written, high quality study guide.
- Human Rights: Bill of rights in Action*. Los Angeles: Constitutional Rights Foundation, February, 1980. What do we mean by "human rights," and what role do they play in international politics? These 24-page student newsletters address this issue, including human rights as they involve justice in the Soviet Union, political prisoners and refugees around the world. Along with the articles are student involvement activities, including a crossword puzzle and a role-play simulation. Available from Social Studies School Service, 10,000 Culver Blvd., Dept. YO, P.O. Box 802, Culver City, CA 90230.
- Meltzer, Milton. *The Human Rights Book*. See above under Elementary. Grades 6-12.

Prisoners of Conscience in the USSR: Their Treatment and Conditions. London: Amnesty International, 1975. Details daily routine, treatment and regimes of labor camps, prisons and psychiatric hospitals used for Soviet prisoners of conscience. New edition in 1980.

STUDY GUIDES AND CURRICULUMS

Conscience and Human Rights: An Amnesty International Curriculum. Point Arena, CA: Coastal Ridge Research and Education Center. A joint project of Amnesty International and the Coastal Ridge group, this curriculum addresses the issue of why people may become prisoners of conscience at home and abroad. Once students understand how this may come about, they are ready to take action to lend support to such people, and the curriculum helps them to do this by suggesting letter-writing campaigns and other efforts traditional for Amnesty International. For senior high.

Education for International Understanding: Examples and Suggestions for Classroom Use. New York: Unipub. General approach to international understanding, with some human rights topics included.

Flaws in the Pattern: Human Rights in Literature. Ottawa: Amnesty International Canada, 1978. Excellent curriculum which includes selected passages and summaries from great works of world literature touching upon issues of conscience and human rights. After each selection, there are thought-provoking questions for discussion and essays. One of the best ways to tie in the study of human rights with literature.

Fraenkel, Jack. *The Struggle for Human Rights—A Question of Values.* New York: Random House, 1975. A publication of the Institute for World Order, this booklet examines the world-wide struggle for human rights and their relationship to personal and national value systems. It includes news stories from around the world as illustrations of the problem; an appendix contains the Universal Declaration of Human Rights. Simply written, high quality study guide.

"Guide to Teaching About the Rights of the Child;" and "Teaching About Human Rights in an Increasingly Interdependent World." New York: U.S. Committee for UNICEF School Services. These two papers include suggested approaches with primary children, in intermediate and upper grades. Excellent free source of information.

Harf, J.E. and B.T. Trout. *Global Issues: Human Rights.* Columbus: Ohio State University, Consortium for International Studies Education, 1980. First-rate curriculum designed for college students. Good source of information and ideas for

teacher background and advanced student independent study.

Human Rights: Bill of Rights in Action. Los Angeles: Constitutional Rights Foundation, February 1980. What do we mean by "human rights," and what role do they play in international politics? These 24-page student newsletters address this issue, including human rights as they involve justice in the Soviet Union, political prisoners and refugees around the world. Plus student involvement activities, with crossword puzzle and role-play simulation. Available from Social Studies School Service, 10,000 Culver Blvd., Culver City, CA 90230.

Human Rights: The Dignity of Man. Dobbs Ferry, NY: Oceana, 1963. A study guide for human rights and the Universal Declaration of Human Rights. Includes discussion suggestions with questions following each chapter.

Human Rights: International Human Rights and US Policy. Berkeley: World Education Center. A unit for high school and junior college classes. Defines and identifies human rights as these are related to legal traditions and to the essential needs of all; examines U.S. international human rights policy; analyzes four critiques of U.S. policy; compares and evaluates different judgments about what U.S. international human rights policy should be.

Human Rights: The Universal Declaration of Human Rights. Philadelphia: World Affairs Council of Philadelphia, 13th and Market Streets, Philadelphia, PA 19107. Simply written curriculum for elementary and middle grades.

Mehlinger, H. *Global Studies for American Schools.* Washington: National Education Association. Curriculum with sample lessons on human rights.

Nigeria: Teaching Plans and Materials for Secondary School Teachers. Lexington: Center for Professional Development, University of Kentucky, 1980. Curriculum. Like its elementary school counterpart, it concerns Nigerian life in general, but is useful for insights into human rights attitudes.

Nigerian Notebook: Units and Resources for Teachers and Parents: Early Childhood and Elementary. Lexington: Center for Professional Development, University of Kentucky, 1980. Curriculum centers on Nigerian customs and daily life, but contains relevant material on human rights.

People Have Rights! They Have Responsibilities, Too: A Study Guide for the Universal Declaration of Human Rights for the Use of Young Citizens. Detroit: Wayne State University, 1980. Excellent curriculum for elementary and middle grades.

Some Suggestions on Teaching About Human Rights. New York: UNESCO, Unipub.

Switzer, K.A. and P.T. Mulloy. Denver: *Global*

- *Issues: Activities and Resources for the High School Teacher*, 1979. A product of the Center for Teaching International Relations at the University of Denver, this curriculum is devoted to a variety of topics, including human rights. Several pages treat the Universal Declaration of Human Rights.

Tankard, A.D. *The Human Family, Human Rights and Peace*. Detroit: The Center for Teaching About Peace and War, Wayne State University, 1973. A source-book for the study and discussion of the Universal Declaration of Human Rights, a lay version for the common man, woman and child.

Teaching Law-Related Education in the Senior High School. Albany: Bureau of Secondary Education Curriculum Development, New York State Education Department, 1974. Law related education may be used to cross international borders and examine legal systems, promoting, protecting or violating human rights at home and abroad.

Toward Civic Responsibility. Albany: Bureau of General Education Curriculum Development, New York State Education Department, 1978. While concentrating exclusively on the U.S. milieu, this curriculum includes human rights issues which are applicable anywhere.

Ways and Means of Teaching About World Order. New York: World Law Fund. Newsletters sent to teachers; include sample lesson plans, focus on foreign relations.

Woito, R., ed. *International Human Rights Kit*. Chicago: World Without War Council, 1977. An introduction for students and concerned citizens. See "Ten Most Wanted" List.

Woodhouse, S. *Your Life, My Life: An Introduction to Human Rights and Responsibilities*. London: Writers and Scholars Educational Trust. (Available in the U.S. from Fund for Free Expression, 205 East 42nd St., New York, NY 10017) Introduces ideas about human rights and responsibilities to children by helping them to identify ways in which human problems can be solved other than by violence and oppression. Presented through examples from family problems, case studies and through images which link the experiences from a child's life to the wider issues that affect mankind. For 11-14 year olds, but may be adapted for use by older or younger children. Resources and activities are geared toward British audience.

RESOURCE MATERIALS ON HUMAN RIGHTS

Introduction

The following section includes materials which are hard to identify or procure, but which are helpful in learning about human rights. Materials are organized into a section containing those referring to human rights in the five nations considered in this *Handbook*, and a section on international human rights.

The five-nation materials are numbered Reading 1 through Reading 90:

Colombia: Readings 1 through 15.

India: Readings 16 through 33.

Italy: Readings 34 through 42.

Nigeria: Readings 43 through 58.

Soviet Union: Readings 59 through 90.

International human rights materials include the pamphlet published by the United States Department of State, *Human Rights*, which contains the most basic international agreements and protocols, and Readings listed in alphabetical sequence, Readings A through G.

Landmarks of the human rights movement in recent times include:

- President Franklin Roosevelt's message to Congress of 1941 on the "Four Freedoms": freedom of speech, freedom of worship, freedom from want and freedom from fear.
- Articles 1, 55 and 56 of the United Nations Charter, October 24, 1945.
- Universal Declaration of Human Rights, 1948 U.S. Senate, a non-binding declaration of principles.
- International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights are binding agreements, adopted in 1966 and forwarded to the Senate in 1977, but not yet ratified.
- American Declaration of Rights and Duties of Man, and the European Convention for the Protection of Human Rights and Fundamental Freedoms are regional agreements.
- Helsinki Final Act of 1975, ended World War II formally, recognized existing international boundaries and called for respect for human rights.

READING A

Are Human Rights Universal?

Peter L. Berger

The current preoccupation with human rights raises very serious political questions, the most serious of which is whether this new emphasis in American foreign policy signals a turning away from the Kissinger strategy of orderly retreat, or, on the contrary, serves as a smokescreen for the continuation (if not actually the acceleration) of that strategy. My purpose in what follows, however, is not to address myself to the political side of the human-rights campaign but to raise a question of a different order. When we make statements about human rights, are we simply giving voice to a specific set of biases of our own? Or is there some universally valid standard of morality to which we can appeal in making judgments about countries with different traditions from ours?

Some Americans are morally outraged by the repression and the bribery practiced by the government of South Korea. Other Americans tend to view these actions more benignly because of the putatively greater atrocities practiced by the regime in North Korea. However one may view the moral condition of the Korean peninsula, it seems to me rather clear that *both* varieties of American outrage sharply raise the question of ethnocentrism: by what right do we condemn Korean authorities, South or North, for not living up to American standards of political morality? After all, neither bribery nor the harsh treatment of political opponents is a startling innovation of Asian statecraft, and both liberal democracy and Marxism, the two ideologies in whose terms the respective Korean states stand either accused or legitimated, are very recent Western exports to that part of the world.

Similarly, some Americans excuse the repressive policies of left-wing regimes in Asia because these regimes have supposedly established a greater measure of equality, and accuse those taking a different position of ethnocentrism—yet it is hard to think of a more blatantly Western value than equality. Other Americans compare left-wing and right-wing regimes in Asia and conclude that the latter, even if they are repressive, allow for a greater degree of individual freedom—another central Western value. Asian observers may be pardoned for thinking that both bodies of opinion are just a new form of cultural imperialism, and that along with Coca-Cola Americans are now busy exporting ideological biases to faraway places where they are neither wanted nor relevant.

The question of the universal validity of moral judgments is an old one in the history of human

thought. It is, indeed, one of the oldest questions of Western philosophy, going back to the twin sources of Western civilization in ancient Israel and ancient Greece. And the question is just as old in the great religious and philosophical traditions of Asia, as in the passionate quest for the oneness of reality in the religious imagination of India, and the (perhaps more secular) efforts to define the nature of humanness in Chinese ethical thought. These sources, Western and non-Western, are by no means exhausted, and the issue I have raised can still be fruitfully addressed by drawing from them. In the contemporary world, however, that issue has attained an urgency which I believe is new in human history.

The reason for this is to be sought in one main historical factor—the global process of modernization. The “external” effects of modernization are very clear and generally acknowledged: there has been a quantum jump in what anthropologists call “culture contact,” as a result of modern technologies of transportation and communication. This means, quite simply, that everyone today is rubbing shoulders with everyone else (or nearly everyone else). On a practical level, therefore, the necessity has arisen of coming to terms with all sorts of people different from oneself. This, however, includes the necessity of coming to terms with them *morally* as well—that is, coming to terms with standards of conduct that are different from one's own. . . .

But the external manifestations of modernization are not the only manifestations; they are accompanied by profound changes of consciousness. One such change is pluralization—the progressive interpenetration of the worlds of *meaning* in which human beings live. Through most of history most people lived in situations that were not only highly integrated in terms of their governing values and their definitions of reality, but were also quite effectively protected against challenges to those values and definitions of reality. The most effective protection was isolation, or at least segregation, from all those “others” who perceived and valued reality differently. Modernization weakens and often shatters the protective walls around all traditionally integrated worlds of meaning; the “others,” once distant strangers, now become neighbors in a sometimes uncomfortable way.

The discomfort is not only social, but cognitive and moral as well. For each world of meaning, as it is penetrated by other worlds of meaning, becomes *ipso facto* relativized. Some three centuries ago Pascal (who, if there had been international air travel at the time, would have belonged to the privileged class making use of it) could exclaim, with a sense of discovery, that what is truth on one side of the Pyrenees is error on the other. This discovery has by now become commonplace knowledge.

The consequence for morality is simple but revolutionary. When my neighbors make moral judgments different from mine, then the question of the universal validity of moral judgments (theirs *or* mine) imposes itself urgently. Thus modernization makes reluctant moral philosophers of us all.

Modernity originated in Europe. Its basic institutional embodiments are European inventions—science and technology, bureaucracy, the economic systems of both capitalism and socialism, political democracy as well as the nation-state. So are the basic ideologies that legitimate these institutions—including our contemporary notions of human rights. Such statements as the Universal Declaration of Human Rights of the United Nations are derived, with only minor modifications, from the classical documents written on the subject in the West since the 18th century. Probably the earliest public declaration of human rights was the one passed by the legislature of colonial Virginia. Then followed those immensely influential documents originating on both sides of the Atlantic: the French Declaration of the Rights of Man, the preamble to the American Declaration of Independence, and the Bill of Rights in the United States Constitution.

In other words, contemporary notions of human rights are historically and intellectually derived from the Enlightenment, a specifically Western phenomenon. (It goes without saying that this phenomenon has its antecedents in much earlier moments of Western history—in the Temple of Jerusalem, in the *agora* of Athens, in the schools of Jewish rabbis, among Roman jurists and medieval moral philosophers.) And this in turn points to the fact that, whether one likes it or not, the process of modernization has everywhere been, at least in part, a process of Westernization as well. Today, almost without exception, even the goriest Oriental despot pays lip-service to the values of human rights—in language borrowed from Thomas Jefferson or Karl Marx.

To be sure, there are exceptions to this international Jeffersonian-Marxian consensus—the traditionalists (often called “fundamentalists” in the Western press) who would restore the classical caste system in India or replace the modernizing constitutions of Muslim nation-states by the Shari’a. Most of these traditionalists are unsophisticated; even those who are sophisticated speak in a highly particularistic language which, by its very nature, is opaque to the outsider. Hence, the traditionalist protest against modernity is easily dismissed intellectually (even if it can make a lot of trouble politically). Yet it should not be so quickly dismissed. Even if one has neither cultural affinity nor ideological sympathy with any of the traditionalists’ causes, their perception of the world is instructive and important. For it is the traditionalists, with the sharp eye of hostility,

who see more clearly than anyone else the linkage of modernization and Westernization.

Most of the political leadership of Asian and African countries, however, and a sizable portion of the intellectuals in those countries, are not traditionalists in this sense. Rather, they subscribe to the viewpoint of “modernization without Westernization”—a viewpoint that has both right-wing and left-wing expressions. On the Left, this viewpoint is at the heart of the Maoist rebellion against Soviet ideological hegemony; it is replicated, *mutatis mutandis*, in other forms of Asian and African socialism. On the Right, it has found an eloquent spokesman in the Shah of Iran, who, with some justification aspires to a leading role among Muslim rulers seeking a path somewhere between Westernizing modernism and de-modernizing traditionalism; for better or worse, the Shah has been particularly eloquent of late in rejecting the applicability to Iran of a number of Western notions of human rights. And the same viewpoint is a common element in an otherwise wildly heterogeneous medley of ideologies—the neo-Shintoism of the late Yukio Mishima or the various Third World strands of Gandhism, Arabism, and *Négritude*.

In regularly dismissing human-rights issues when they are raised by Westerners as irrelevant to their own countries, these leaders and intellectuals force us once again to face the question of how one may make moral judgments with a claim to universal validity. Indeed, they raise the even sharper question of whether the very habit of making universally relevant moral judgments may not be a specifically Western propensity.

Most intellectual problems are carried further toward solution by the making of distinctions, and this one is no exception. A crucial distinction to be made here is between those notions of human rights that emerge exclusively from a Western view of the world, and which will only be plausible to those sharing this view, and those notions of human rights that derive their warrant from a wider consensus. To draw this distinction fully and conclusively is beyond my abilities. But I believe that steps should be taken toward such a distinction, and need to be taken, if we are to gain clarity on this subject. As a first step I would propose separating those rights that derive from the specifically Western values of liberty and equality from those that pertain to the human condition as such.

The former category undoubtedly includes those rights that have emerged from the Western development of political democracy—the ones which in America are commonly designated as civil liberties and civil rights. Freedom of speech and of the press, the inviolability of the electoral process, equal protection of the law, due process (which includes the peculiarly Western value of impersonality in the administration of justice)—all these (and the list could

be easily extended) are rights that find little warrant outside the orbit of Western history.

To this list must be added the economic rights of which the Left is so enamored. The notion that economic justice demands an ever-greater measure of equality is as specifically Western as the notion that liberty is the highest political value; non-Western man, almost everywhere, has been *homo hierarchicus*. And, needless to say, the same list must include those rights recently proclaimed by various cultural revolutionaries in the West—women's rights, the rights of children, or the rights of homosexuals and other deviants.

To many non-Westerners, even today, our understanding of political and economic rights is puzzling (which is why, for example, it is very difficult indeed to explain Watergate in Asia); to most non-Westerners, the rights proclaimed by our cultural revolutionaries are symptoms of degeneracy or collective madness. At any rate, these rights are plausible only to those who (whether by inheritance or by adoption) stand within a specifically Western view of the world.

Yet the grossest cases called violations of human rights today are of an altogether different kind. Genocide; the massacre of large numbers of innocent people by their own government or by alien conquerors; the deliberate abandonment of entire sections of a population to starvation; the systematic use of terror (including torture) as government policy; the expulsion of large numbers of people from their homes; enslavement through various forms of forced labor; the forced separation of families (including the taking away of children from their parents by actions of government); the deliberate desecration of religious symbols and the persecution of those adhering to them; the destruction of institutions that embody ethnic identity. Each one of these items is routine policy in many countries today.

It is my contention that, in condemning *these* as violations of human rights, we can call upon a consensus far wider than that of Western civilization. That consensus emerges from all the major world cultures, especially in their religious foundations—and it is a consensus all the more impressive in view of the vast (and partly irreconcilable) differences among the world religions in their understanding of reality and of human destiny.

When we condemn the horrors inflicted on the people of Cambodia by their present government, we need not do so by reference to Western values alone. Cambodia is a Buddhist country, and it is Buddhism that has as its highest moral tenet the "respect for all sentient beings." Similarly, the atrocities inflicted on the Chinese people in the course of various Maoist experiments, such as the physical extermination of entire classes of the population or the separation of children from their parents, are not just violations of

Western notions of morality (or, as apologists for Maoism in the West like to say, of "bourgeois morality"); rather, they are violations of the entire corpus of ethics of the Chinese tradition, which holds, among other things, that government should be "human-hearted" and that "filial piety" is one of the highest human goods. And if we pass moral judgment on a Muslim ruler (be it in a left-wing or a right-wing regime) for acts of cruelty, we may do so, not alone in the name of the Judeo-Christian tradition, but in the name of the ethical core of Islam itself: every call to prayer, from every minaret from the Maghreb to Java, begins with an invocation of God who is *al-rahman al-rahim*, whose nature is to be compassionate and who has compassion, and who commands men to be compassionate also.

Drawing a distinction of the kind I have suggested between two sets of rights would, at the very least, help prevent the sorts of intellectual confusion perpetrated by the press in its reports on "violations of human rights," a catch-all category ample enough to cover such disparate and disproportionate phenomena as the expulsion of an American journalist from Nigeria, mass murder in Uganda, election irregularities in Pakistan, genocide in Cambodia, and the inability of women in some Muslim countries to obtain a passport without the permission of their fathers or husbands. But more important, a truer understanding of the moral convergence of the human race on the question of *fundamental* human rights is essential if Americans (in or out of government) are to speak credibly on the international scene.

I have argued for a distinction between fundamental human rights and rights stemming from specifically Western developments, notably political democracy. This argument needs to be qualified, or extended, in two ways.

There is, first of all, an undeniable empirical correlation, and a high one, between countries that respect those human rights I have called fundamental and countries that have institutions of political democracy. Many people in the West would maintain that this correlation shows the essential equivalence of the two sets of rights. This, I think, is mistaken. The correlation is rather to be explained sociologically, in terms of the peculiar character of the modern state.

In pre-modern societies there existed a variety of restraints on the arbitrary exercise of political power: religious authority, custom, kinship and tribe, and (most important) the sheer inability of government to extend its controls into every remote corner of society. Modernization weakens or destroys these restraints. The modern state (and not just the repressive or the totalitarian version of it) thus exercises historically unprecedented power—with the implication that human rights are more than ever before at the mercy of unrestrained rulers. It was, indeed, pre-

cisely in order to impose restraints upon governmental power that modern democratic institutions arose in the West. Consequently, the high empirical correlation between democracy and a respect for human rights is not surprising—which is not the same thing as saying that it is necessary or complete.

A historical illustration may serve here. In ancient China there was an institution known as the imperial censors. These were Confucian scholars attached to the court, whose express task it was to criticize the emperor and his officials for derelictions of duty. It is not necessary to assume that these worthy gentlemen were immune to coercion or corruption in order to say that we have here a classical case of pre-modern restraint on government. We may then ask a sociological question: under modern conditions, what are the possible functional equivalents of the imperial censors? The sociological answer is that such equivalents, very broadly speaking, will resemble the basic institutional arrangements of modern democracy.

The second qualification is this. To say, as I have said, that certain rights are “plausible” only within a specifically Western view of the world is not to say that any moral judgment emanating from the Western tradition is for that reason deprived of universal validity. On the contrary, if the moral discoveries of the Western tradition—prominent among them the ideas of individual liberty and the fundamental equality of all human beings—are valid for us, they are valid for all mankind. If we believe in the fundamental unity of the human race, we must also believe that the liberty that is a good in America would also, in principle, be a good in Asia.

This, however, is still a long way from the belief that our own specific social and political arrangements exhaust the possible institutionalizations of morality, and that we are therefore entitled (if not mandated) to preach those arrangements to the rest of the world. Sociological fact is not the same thing as absolute truth. The difference I would establish here is not between moral conviction on the one hand and an attitude of relativistic laissez-faire on the other, but between ethnocentrism and a respect for the moral scope—the remarkably consensual moral scope—of all the great human civilizations. And this difference is not just a matter of theoretical perspective; it affects the entire manner in which human rights can be argued on the international scene today, and for that reason has considerable political significance.

The question of ethnocentrism in relation to human rights is a complex one, but this complexity need not be paralyzing. On the contrary, the credibility of Americans speaking out on human rights will increase if they speak soberly and with a proper sense of the universal human search for moral truth.

Commentary, v. 64, No. 3, Sept. 1977.

READING B

See opposite page.

READING C

The Department of State—Selected Documents: Human Rights

READING D

The Helsinki Agreement (1975)

VII. RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE FREEDOM OF THOUGHT, CONSCIENCE, RELIGION OR BELIEF

The participating States will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion.

They will promote and encourage the effective exercise of civil, political, economic, social, cultural and other rights and freedoms all of which derive from the inherent dignity of the human person and are essential for his free and full development.

Within this framework the participating States will recognize and respect the freedom of the individual to profess and practise, alone or in community with others, religion or belief, acting in accordance with the dictates of his own conscience.

The participating States on whose territory national minorities exist will respect the right of persons belonging to such minorities to equality before the law, will afford them the full opportunity for the actual enjoyment of human rights and fundamental freedoms and will, in this manner, protect their legitimate interests in this sphere.

The participating States recognize the universal significance of human rights and fundamental freedoms, respect for which is an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and co-operation among themselves as among all States.

They will constantly respect these rights and freedoms in their mutual relations and will endeavour jointly and separately, including in cooperation with the United Nations, to promote universal and effective respect for them.

They confirm the right of the individual to know and act upon his rights and duties in this field.

In the field of human rights and fundamental freedoms, the participating States will act in conformity with the purposes and principles of the Charter of the United Nations and with the Universal Declaration of Human Rights. They will also fulfill their obligations as set forth in the international declarations

STATISTICAL COMPARISONS

	Colombia	India	Italy	Nigeria	USSR	USA
Population	22,551,811	548,154,562	53,744,737	55,670,055	241,720,134	203,235,298
Population density/sq. mi.	22	190	187	72	12	23
Marriage/1,000	3.1	dna	6.1	dna	9.7	8.8
Divorce/1,000	dna	0.2	dna	dna	3.5	5.1
Expectation of life: Male	59.2	41.89	68.97	37.2	64	68.7
Expectation of life: Female	62.7	40.55	74.88	36.7	74	76.5
Hospitals	825*	15,265*	2,073	dna	dna	7,271*
Physicians	13,000*	154,000*	dna	4,248	864,600*	348,443
Nurses	dna	96,500*	168,465*	19,607	dna	1,454,000*
No. living in households	16,836,000*	543,280,000*	53,490,000*	dna	dna	199,384,000*
Avg. no./household	5.8	5.6	3.3	dna	dna	3.1
No. of dwellings	dna	100,213,000	17,434,000	dna	61,658,000est	68,679,000
No. occupied dwellings	1,928,000	92,458,000	15,301,000	dna	31,000,000est	63,540,000
Elementary teachers active	128,494	dna	dna	dna	2,500,000	1,293,000
Secondary teachers active	79,742	dna	dna	dna	dna	1,146,000
College teachers active	21,153	dna	41,824	5,019	317,152	670,000
Students enrolled: Primary & Elem. (female in italics)	4,277,096 2,091,913	67,975,068 25,002,923	6,530,679 dna	4,889,857 1,964,038	43,197,000 dna	31,378,000 dna
Secondary	1,616,111 806,713	dna dna	5,058,303 dna	568,303 167,219	10,950,800 dna	20,355,000 dna
College	186,635 dna	3,198,550 874,590	976,712 380,408	32,971 5,114	4,853,958 2,448,551	11,184,859 5,035,862
Unemployment	262,000/9.8%	10,513,000	1,545,000/7.2%	dna/15.7%	dna	6,855,000/7%
Industrial production	136	106	98	dna	105	105
Construction activity	108*	120*	93*	258*	137*	176*

*Nearest available year dna=data not available

Colombia does not recognize divorce as such

Source: Statistical Yearbook, 1978. New York: United Nations, 1979.

READING B

Satisfaction of daily per capita calorie requirements by country, 1972-1974

The percentages by which the countries are classified were prepared by the Food and Agriculture Organization (FAO) of the United Nations based on the

estimated per capita calorie supply of food available in each country in 1972-1974 divided by the average daily per capita caloric intake which the FAO calculates as necessary to maintain "moderate activity." This takes into account the age-sex structure of the total population, climate, average body weight, and other factors in each country.

Over 120%	110-119%	100-109%	90-99%	73-89%
More Developed	More Developed	More Developed	More Developed	More Developed
Argentina	Cyprus	Albania	none	none
Australia	Finland			
Austria	Iceland			
Belgium	Sweden	Less Developed	Less Developed	Less Developed
Bulgaria	Uruguay	Brazil	Bhutan	Afghanistan
Canada		Burundi	Burma	Algeria
Czechoslovakia	Less Developed	Cameroon	China	Angola
Denmark	Chile	Central African	Colombia	Bangladesh
France	Costa Rica	Empire	Dominican Republic	Benin
Germany, East	Cuba	Congo	Ecuador	Bolivia
Germany, West	Fiji	Egypt	Gabon	Botswana
Greece	Hong Kong	Ghana	Gambia	Chad
Hungary	Ivory Coast	Guinea-Bissau	Guatemala	El Salvador
Ireland	Jamaica	Guyana	Haiti	Ethiopia
Italy	Korea, North	Lebanon	Honduras	Grenada
Japan	Korea, South	Madagascar	Indonesia	Guinea
Luxembourg	Libya	Malawi	Iran	India
Malta	Malaysia	Mauritius	Iraq	Liberia
Netherlands	Mexico	Mongolia	Jordan	Maldives
New Zealand	Paraguay	Morocco	Kenya	Mali
Norway	Reunion	Nicaragua	Kampuchea	Mauritania
Poland	South Africa	Panama	(Cambodia)	Mozambique
Portugal	Turkey	Rhodesia	Laos	Niger
Romania		Saudi Arabia	Lesotho	Nigeria
Spain		Suriname	Namibia	Philippines
Switzerland		Syria	Nepal	Somalia
United Kingdom		Thailand	Pakistan	Sudan
United States		Trinidad & Tobago	Papua-New Guinea	Tanzania
U.S.S.R.		Vietnam	Peru	Upper Volta
Yugoslavia			Rwanda	Yemen, Arab
			Senegal	Yemen, Democratic
			Sierra Leone	Zaire
			Sri Lanka	Zambia
			Swaziland	
			Togo	
			Tunisia	
			Uganda	
			Venezuela	
Less Developed				
Barbados				
Israel				
Singapore				

Fourth World Food Survey. Rome: Food and Agriculture Organization, 1977.

and agreements in this field, including *inter alia* the International Covenants on Human Rights, by which they may be bound.

VIII. EQUAL RIGHTS AND SELF-DETERMINATION OF PEOPLES

The participating States will respect the equal rights of peoples and their right to self-determination, acting at all times in conformity with the purposes and principles of the Charter of the United Nations and with the relevant norms of international law, including those relating to territorial integrity of States.

By virtue of the principle of equal rights and self-determination of peoples, all peoples always have the right, in full freedom, to determine, when and as they wish, their internal and external political status, without external interference, and to pursue as they wish their political, economic, social and cultural development.

The participating States reaffirm the universal significance of respect for and effective exercise of equal rights and self-determination of peoples for the development of friendly relations among themselves as among all States; they also recall the importance of the elimination of any form of violation of this principle. . . .

CO-OPERATION IN HUMANITARIAN AND OTHER FIELDS

The participating States, . . .
Have adopted the following:

1. Human Contacts

The participating States,

Considering the development of contacts to be an important element in the strengthening of friendly relations and trust among peoples,

Affirming, in relation to their present effort to improve conditions in this area, the importance they attach to humanitarian considerations,

Desiring in this spirit to develop, with the continuance of detente, further efforts to achieve continuing progress in this field,

And conscious that the questions relevant hereto must be settled by the States concerned under mutually acceptable conditions,

Make it their aim to facilitate freer movement and contacts, individually and collectively, whether privately or officially, among persons, institutions and organizations of the participating States, and to contribute to the solution of the humanitarian problems that arise in that connection,

Declare their readiness to these ends to take measures which they consider appropriate and to conclude agreements or arrangements among themselves, as may be needed, and

Express their intention now to proceed to the implementation of the following:

(a) CONTACTS AND REGULAR MEETINGS ON THE BASIS OF FAMILY TIES

In order to promote further development of contacts on the basis of family ties the participating States will favourably consider applications for travel with the purpose of allowing persons to enter or leave their territory temporarily, and on a regular basis if desired, in order to visit members of their families. . . .

(b) REUNIFICATION OF FAMILIES

The participating States will deal in a positive and humanitarian spirit with the applications of persons who wish to be reunited with members of their family, with special attention being given to requests of an urgent character—such as requests submitted by persons who are ill or old. . . .

The receiving participating State will take appropriate care with regard to employment for persons from other participating States who take up permanent residence in that State in connection with family reunification with its citizens and see that they are afforded opportunities equal to those enjoyed by its own citizens for education, medical assistance and social security.

(c) MARRIAGE BETWEEN CITIZENS OF DIFFERENT STATES

The participating States will examine favourably and on the basis of humanitarian considerations requests for exit or entry permits from persons who have decided to marry a citizen from another participating State. . . .

(d) TRAVEL FOR PERSONAL OR PROFESSIONAL REASONS

The participating States intend to facilitate wider travel by their citizens for personal or professional reasons and to this end they intend in particular:

—gradually to simplify and to administer flexibly the procedures for exit and entry;

—to ease regulations concerning movement of citizens from the other participating States in their territory, with due regard to security requirements.

They will endeavour gradually to lower, where necessary, the fees for visas and official travel documents. . . .

They confirm that religious faiths, institutions and organizations, practising within the constitutional framework of the participating States, and their representatives can, in the field of their activities, have contacts and meetings among themselves and exchange information.

(e) IMPROVEMENT OF CONDITIONS FOR TOURISM ON AN INDIVIDUAL OR COLLECTIVE BASIS

The participating States consider that tourism contributes to a fuller knowledge of the life, cul-

ture and history of other countries, to the growth of understanding among peoples, to the improvement of contacts and to the broader use of leisure. They intend to promote the development of tourism.

(f) MEETINGS AMONG YOUNG PEOPLE

The participating States intend to further the development of contacts and exchanges among young people. . . .

(g) SPORT

In order to expand existing links and co-operation in the field of sport the participating States will encourage contacts and exchanges of this kind, including sports meetings and competitions of all sorts, on the basis of the established international rules, regulations and practice.

(h) EXPANSION OF CONTACTS

By way of further developing contacts among governmental institutions and non-governmental organizations and associations, including women's organizations, the participating States will facilitate the convening of meetings as well as travel by delegations, groups and individuals.

2. INFORMATION

The participating States . . .

Express their intention in particular:

(a) IMPROVEMENT OF THE CIRCULATION OF, ACCESS TO, AND EXCHANGE OF INFORMATION

(i) Oral Information

—To facilitate the dissemination of oral information through the encouragement of lectures and lecture tours by personalities and specialists from the other participating States, as well as exchanges of opinions at round table meetings, seminars, symposia, summer schools, congresses and other bilateral and multilateral meetings.

(ii) Printed Information

—To facilitate the improvement of the dissemination, on their territory, of newspapers and printed publications, periodical and non-periodical, from the other participating States. . . .

—To contribute to the improvement of access by the public to periodical and non-periodical printed publications imported on the bases indicated above. In particular:

- they will encourage an increase in the number of places where these publications are on sale;
- they will facilitate the availability of these periodical publications during congresses, conferences, official visits and other international events and to tourists during the season;

- they will develop the possibilities for taking out subscriptions according to the modalities particular to each country;
- they will improve the opportunities for reading and borrowing these publications in large public libraries and their reading rooms as well as in university libraries;
- they intend to improve the possibilities for acquaintance with bulletins of official information issued by diplomatic missions and distributed by those missions on the basis of arrangements acceptable to the interested parties.

(iii) Filmed and Broadcast Information

—To promote the improvement of the dissemination of filmed and broadcast information. To this end:

- they will encourage the wider showing and broadcasting of a greater variety of recorded and filmed information from the other participating States, illustrating the various aspects of life in their countries and received on the basis of such agreements or arrangements as may be necessary between the organizations and firms directly concerned;
- they will facilitate the import by competent organizations and firms of recorded audio-visual material from the other participating States. . . .

(b) CO-OPERATION IN THE FIELD OF INFORMATION

—To encourage co-operation in the field of information on the basis of short or long term agreements or arrangements. In particular:

- they will favour increased co-operation among mass media organizations;
- they will favour co-operation among public or private, national or international radio and television organizations, in particular through the exchange of both live and recorded radio and television programmes, and through the joint production and the broadcasting and distribution of such programmes;
- they will encourage meetings and contacts both between journalists' organizations and between journalists from the participating States;
- they will view favourably the possibilities of arrangements between periodical publications as well as between newspapers from the participating States, for the purpose of exchanging and publishing articles;
- they will encourage the exchange of technical information as well as the organization of joint research and meetings devoted to the

exchange of experience and views between experts in the field of the press, radio and television.

(c) **IMPROVEMENT OF WORKING CONDITIONS FOR JOURNALISTS**

The participating States [desire] to improve the conditions under which journalists from one participating State exercise their profession in another participating State. . . .

The participating States reaffirm that the legitimate pursuit of their professional activity will neither render journalists liable to expulsion nor otherwise penalize them. If an accredited journalist is expelled, he will be informed of the reasons for this act and may submit an application for reexamination of his case.

READING E

Declaration of the Rights of the Child

Adopted by the United Nations General Assembly at its 841st plenary meeting held in New York on November 20, 1959.

Preamble

Whereas the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights, and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Whereas the United Nations has, in the Universal Declaration of Human Rights, proclaimed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Whereas the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth,

Whereas the need for such special safeguards has been stated in the Geneva Declaration of the Rights of the Child of 1924, and recognized in the Universal Declaration of Human Rights and in the statutes of specialized agencies and international organizations concerned with the welfare of children.

Whereas mankind owes to the child the best it has to give,

Now therefore,

The General Assembly

Proclaims this Declaration of the Rights of the Child to the end that he may have a happy childhood and enjoy for his own good and for the good of society the rights and freedoms herein set forth, and calls upon

parents, upon men and women as individuals and upon voluntary organizations, local authorities and national governments to recognize these rights and strive for their observance by legislative and other measures progressively taken in accordance with the following principles:

Principle 1

The child shall enjoy all the rights set forth in this Declaration. All children, without any exception whatsoever, shall be entitled to these rights, without distinction or discrimination on account of race, color, sex language, religion, political or other opinion, national or social origin, property, birth or other status, whether of himself or of his family.

Principle 2

The child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity. In the enactment of laws for this purpose the best interests of the child shall be the paramount consideration.

Principle 3

The child shall be entitled from his birth to a name and a nationality.

Principle 4

The child shall enjoy the benefits of social security. He shall be entitled to grow and develop in health; to this end special care and protection shall be provided both to him and to his mother, including adequate pre-natal and post-natal care. The child shall have the right to adequate nutrition, housing, recreation and medical services.

Principle 5

The child who is physically, mentally or socially handicapped shall be given the special treatment, education and care required by his particular condition.

Principle 6

The child, for the full and harmonious development of his personality, needs love and understanding. He shall, wherever possible, grow up in the care and under the responsibility of his parents, and in any case in an atmosphere of affection and of moral and material security; a child of tender years shall not, save in exceptional circumstances, be separated from his mother. Society and the public authorities shall have the duty to extend particular care to children without a family and to those without adequate means of support. Payment of state and other assistance toward the maintenance of children of large families is desirable.

Principle 7

The child is entitled to receive education, which shall be free and compulsory, at least in the elementary stages. He shall be given an education which will promote his general culture, and enable him on a

basis of equal opportunity to develop his abilities, his individual judgment, and his sense of moral and social responsibility and to become a useful member of society.

The best interests of the child shall be the guiding principle of those responsible for his education and guidance; that responsibility lies in the first place with his parents.

The child shall have full opportunity for play and recreation, which should be directed to the same purposes as education; society and the public authorities shall endeavor to promote the enjoyment of this right.

Principle 8

The child shall in all circumstances be among the first to receive protection and relief.

Principle 9

The child shall be protected against all forms of neglect, cruelty and exploitation. He shall not be the subject of traffic, in any form.

The child shall not be admitted to employment before an appropriate minimum age, he shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education, or interfere with his physical, mental or moral development.

Principle 10

The child shall be protected from practices which may foster racial, religious and any other form of discrimination. He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood and in full consciousness that his energy and talents should be devoted to the service of his fellow men.

READING F

Declaration on the Elimination of Discrimination Against Women

Proclaimed by the General Assembly of the United Nations on 7 November 1967 (resolution 2263 (XXII))

The General Assembly,

Considering that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Considering that the Universal Declaration on Human Rights asserts the principle of non-discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein without distinction of any kind, including any distinction as to sex,

Taking into account the resolutions, declarations,

conventions and recommendations of the United Nations and the specialized agencies designed to eliminate all forms of discrimination and to promote equal rights for men and women,

Concerned that, despite the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other instruments of the United Nations and the specialized agencies and despite the progress made in the matter of equality of rights, there continues to exist considerable discrimination against women,

Considering that discrimination against women is incompatible with human dignity and with welfare of the family and of society, prevents their participation, on equal terms with men, in the political, social, economic and cultural life of their countries and is an obstacle to the full development of the potentialities of women in the service of their countries and of humanity,

Bearing in mind, the great contribution made by women to social, political, economic and cultural life and the part they play in the family and particularly in the rearing of children,

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require maximum participation of women as well as men in all fields,

Considering that it is necessary to ensure the universal recognition in law and in fact of the principle of equality of men and women,

Solemnly proclaims this Declaration:

Article 1

Discrimination against women, denying or limiting as it does their equality of rights with men, is fundamentally unjust and constitutes an offence against human dignity.

Article 2

All appropriate measures shall be taken to abolish existing laws, customs, regulations and practices which are discriminatory against women, and to establish adequate legal protection for equal rights of men and women in particular:

(a) The principle of equality of rights shall be embodied in the constitution or otherwise guaranteed by law;

(b) The international instruments of the United Nations and the specialized agencies relating to the elimination of discrimination against women shall be ratified or acceded to and fully implemented as soon as practicable.

Article 3

All appropriate measures shall be taken to educate public opinion and to direct national aspirations towards the eradication of prejudice and the abolition of customary and all other practices which are based on the idea of the inferiority of women.

Article 4

All appropriate measures shall be taken to ensure to women on equal terms with men, without any discrimination:

- (a) The right to vote in all elections and be eligible for election to all publicly elected bodies;
- (b) The right to vote in all public referenda;
- (c) The right to hold public office and to exercise all public functions.

Such rights shall be guaranteed by legislation.

Article 5

Women shall have the same rights as men to acquire, change or retain their nationality. Marriage to an alien shall not automatically affect the nationality of the wife either by rendering her stateless or by forcing upon her the nationality of her husband.

Article 6

1. Without prejudice to the safeguarding of the unity and the harmony of the family, which remains the basic unit of any society, all appropriate measures, particularly legislative measure, shall be taken to ensure to women, married or unmarried, equal rights with men in the field of civil law, and in particular:

- (a) The right to acquire, administer, enjoy, dispose of and inherit property, including property acquired during marriage;
- (b) The right to equality in legal capacity and the exercise thereof;
- (c) The same rights as men with regard to the law on the movement of persons.

2. All appropriate measures shall be taken to ensure the principle of equality of status of the husband and wife, and in particular:

- (a) Women shall have the same right as men to free choice of a spouse and to enter into marriage only with their free and full consent;
- (b) Women shall have equal rights with men during marriage and at its dissolution. In all cases the interest of the children shall be paramount;
- (c) Parents shall have equal rights and duties in matters relating to their children. In all cases the interest of the children shall be paramount.

3. Child marriages and the betrothal of young girls before puberty shall be prohibited, and effective action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

Article 7

All provisions of penal codes which constitute discrimination against women shall be repealed.

Article 8

All appropriate measures, including legislation, shall be taken to ensure to girls taken to combat all forms of traffic in women and exploitation of prostitution of women.

Article 9

All appropriate measures shall be taken to ensure to girls and women, married or unmarried, equal

rights with men in education at all levels, and in particular:

- (a) Equal conditions of access to, and study in educational institutions of all types, including universities and vocational, technical and professional schools.
- (b) The same choice of curricula, the same examinations, teaching staff with qualifications of the same standard, and school premises and equipment of the same quality, whether the institutions are co-educational or not;
- (c) Equal opportunities to benefit from scholarships and other study grants;
- (d) Equal opportunities for access to programmes of continuing education, including adult literacy programmes;
- (e) Access to educational information to help in ensuring the health and well-being of families.

Article 10

1. All appropriate measures shall be taken to ensure to women, married or unmarried, equal rights with men in the field of economic and social life, and in particular:

- (a) The right, without discrimination on grounds of marital status or any other grounds, to receive vocational training, to work, to free choice of profession and employment, and to professional and vocational advancement;
- (b) The right to equal remuneration with men and to equality of treatment in respect of work of equal value;
- (c) The right to leave with pay, retirement privileges and provision for security in respect of unemployment, sickness, old age or other incapacity to work;
- (d) The right to receive family allowances on equal terms with men.

2. In order to prevent discrimination against women on account of marriage or maternity and to ensure their effective right to work, measures shall be taken to prevent their dismissal in the event of marriage or maternity and to provide paid maternity leave, with the guarantee of returning to former employment, and to provide the necessary social services, including child care facilities.

3. Measures taken to protect women in certain types of work, for reasons inherent in their physical nature shall not be regarded as discriminatory.

Article 11

1. The principle of equality of rights of men and women demand implementation in all States in accordance with the principles of the Charter of the United Nations and of the Universal Declaration of Human Rights.

2. Governments, non-governmental organizations and individuals are urged, therefore, to do all in their power to promote the implementation of the principles contained in this Declaration.

READING G

I. Nations That Have Signed Both the Covenant of Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights:

Barbados 1973
 Bulgaria 1970
 Byelorussian SSR 1973
 Canada 1976
 Chile 1972
 Colombia 1969
 Costa Rica 1968
 Cyprus 1969
 Czechoslovakia 1975
 Denmark 1972
 Dominican Republic 1978
 Ecuador 1969
 Finland 1975
 German Democratic Republic 1973
 Germany, Federal Republic of 1973
 Guinea 1978
 Guyana 1977
 Hungary 1974
 Iran 1975
 Iraq 1971
 Jamaica 1975
 Jordan 1975
 Kenya 1972
 Lebanon 1972
 Libyan Arab Jamahiriya 1970
 Madagascar 1971
 Mali 1974
 Mauritius 1973
 Mongolia 1974
 Norway 1972
 Panama 1977
 Peru 1978
 Poland 1977
 Portugal 1978
 Romania 1974
 Rwanda 1975
 Senegal 1978
 Spain 1977
 Surinam 1976

Sweden 1971
 Syrian Arab Republic 1969
 Tunisia 1969
 Ukrainian SSR 1973
 USSR 1973
 United Kingdom 1976
 United Republic of Tanzania 1976
 Uruguay 1970
 Venezuela 1978
 Yugoslavia 1971
 Zaire 1976

II. Current Status of the Covenants in the United States:

In the United States international treaties have to be signed by the president and then ratified by two-thirds of the Senate before they go into effect. After ratification by the Senate, they have the force of law and must be upheld by the courts and can be appealed to by citizens seeking justice. As law, they take precedence over federal and state laws, but not over the Constitution itself. In case of conflict with the Constitution, international treaties must yield to the authority of the Constitution.

On October 5, 1977, President Carter signed both covenants, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. On February 23, 1978, he submitted them, together with lengthy reservations, to the Senate for ratification. The covenants are currently before the Senate Foreign Relations Committee, chaired by John Sparks. This committee has agreed to hold public hearings, but no date has been set as of June, 1979.

The Covenant on Civil and Political Rights includes an optional protocol which allows individuals to appeal to an international human rights committee when their rights have been violated and no redress has been possible within the legal system of their own country. Only nineteen countries have signed this protocol. President Carter did not sign it nor submit it to the Senate for ratification. This protocol, when in effect in their country, gives individual citizens a powerful tool for appealing beyond their own country for justice.

READING 1

Political Constitution of Colombia (1886)

Preamble

In the name of God, the supreme source of all authority, and for the purpose of strengthening the national unity, one of whose bases is the recognition by the political parties that the Apostolic and Roman Catholic religion is that of the nation, and that as such the public powers shall protect it and see that it is respected as an essential element of the social order and to ensure the benefits of justice, liberty and peace, the Colombian people, by national plebiscite,

Title I

The Nation and Its Territory

Summary: I. The Nation.—II. Sovereignty.—III. Boundaries. General territorial division and how it may be changed.—IV. Other divisions.

Article 1. The Colombian nation is organized as a unitary republic.

Article 2. Sovereignty is essentially and exclusively vested in the nation, and from that source are derived all the public powers, which shall be exercised within the limits prescribed by this Constitution.

Title II

The Inhabitants: Nationals and Foreigners

Article 8. The following are Colombian nationals:

1) By birth:

a) A native of Colombia, upon one of two conditions: that his father or mother shall have been a native or national of Colombia, or that, if a child of foreigners, he be domiciled in the republic;

b) A child born in a foreign country of a Colombian father or mother and afterward domiciled in the republic

2) By adoption:

a) A foreigner who applies for and obtains a certificate of naturalization;

b) A native-born Spanish American or Brazilian who, with the authorization of the government, requests registration as a Colombian before the municipality of his place of residence.

Article 9. Colombian nationality is forfeited by naturalization and becoming domiciled in a foreign country; it may be recovered according to law.

Article 10. It is the duty of all nationals and foreigners in Colombia to live in submission to the Constitution and the laws and to respect and obey the authorities.

Article 13. Any Colombian, even though he may have lost his nationality, who is taken with weapons in hand in war against Colombia shall be tried and punished as a traitor.

Article 14. Colombians over twenty-one years of age are citizens.

Article 15. The status of active citizenship is an indispensable condition precedent to the exercise of the right to vote and to be elected and hold public office

carrying with it authority or jurisdiction.

Women shall have the same political rights as men (Art. 1, Plebiscite of December 1, 1957).

Title III

Civil Rights and Social Guaranties

Article 16. The authorities of the republic are established to protect the lives, honor, and property of all persons residing in Colombia and to secure the fulfilment of the social obligations of the state and of individuals.

Article 17. Labor is a social obligation and shall enjoy the special protection of the state.

Article 18. The right to strike, except in the public service, is guaranteed. The law shall regulate its exercise.

Article 19. Public aid is a function of the state. It must be given to those who, lacking the means of subsistence and the right to demand it of other persons, are physically unable to work.

The law shall determine the manner in which aid shall be given and the cases in which it must be given directly by the state.

Article 20. Private persons are answerable to the authorities only for violations of the Constitution or the laws. Public officials are answerable for the same violations, and also for exceeding their powers or for omissions in the fulfilment of their duties.

Article 22. There shall be no slaves in Colombia.

Any slave who sets foot in the territory of the republic shall thereby be free.

Article 23. No one may be molested in his person or family, or imprisoned or arrested or detained, or have his domicile searched, except by virtue of a warrant issued by competent authority, with all legal formalities and for cause previously defined by law.

In no case shall there be detention, imprisonment, or arrest for debts or purely civil obligations, except for judicial bond.

Article 24. An offender who is caught *flagrante delicto* may be arrested and taken before a judge by any person. If the agents of authority pursue him and he takes refuge in his own dwelling, they may enter it for the purpose of apprehending him; and if he seeks to escape in the dwelling of another person, the consent of the owner or tenant thereof shall first be obtained.

Article 25. No one may be compelled in criminal, correctional, or police proceedings to testify against himself or against his relatives within the fourth civil degree of consanguinity or the second degree of affinity.

Article 26. No one may be tried except in conformity with laws enacted prior to the commission of the offense with which he is charged, by courts having competent jurisdiction, and in accordance with all formalities proper to each case.

In criminal matters, a permissive law or law favorable to the defendant, even if enacted after the com-

mission of the alleged offense, shall be applied in preference to a restrictive or unfavorable law.

Article 27. The preceding provision shall not prevent the infliction of punishment, without previous trial, in those cases and within the limits established by the law, by:

1) Officials exercising authority or jurisdiction, who shall have the power to punish by fine or imprisonment any person in contempt of their authority while discharging their official duties;

2) Military chiefs, who may inflict instant punishment in order to subdue insubordination or military mutiny, or to maintain discipline in the presence of the enemy;

3) Masters of vessels, who have the same power, when not in port, to repress crimes committed on board their ships.

Article 28. No person may, even in time of war, be punished *ex post facto*, and no punishment shall be inflicted if it is not under a law, order, or decree in which the act has been previously prohibited and the punishment for its commission established.

Even in time of peace, if there are serious reasons to fear a disturbance of the public order, this provision shall not prevent the apprehension and holding by order of the government, upon previous advice of the ministers, of persons suspected with good reason of attempting to disturb the public order.

If ten days have elapsed since the time of the arrest and the detained person has not been set free, the government shall proceed to order his liberty or shall place him at the disposal of competent judges with the alleged evidence in order that they may reach a decision in accordance with the law.

Article 29. In no case may the lawmaker impose the death penalty.

Article 30. Private ownership and other rights acquired under just title, according to civil law, by natural or juridical persons, are guaranteed and may not be ignored or disturbed by subsequent laws. When the application of a law issued for reasons of public benefit or social interest results in a conflict between the rights of individuals and the necessity recognized by that law, the private interest must yield to the public or social interest.

Property is a social function that entails obligations.

For reasons of public benefit or of social interest defined by the lawmaker, there may be expropriation by judicial order and after indemnification.

Nevertheless, the lawmaker, for reasons of equity, may specify cases in which there shall be no occasion for indemnification, upon the favorable vote of the absolute majority of the members of both houses (Art. 10, Legislative Act 1 of 1936).

Article 32. Freedom of enterprise and private initiative are guaranteed within the limits of the common

welfare, but the general direction of the economy shall be the responsibility of the state.

The state shall also intervene, by mandate of the law, to give full employment to human and natural resources, following an income and wage policy according to which the principal objective of economic development is social justice and the harmonious betterment of the community as a whole, and particularly the working classes.

Article 33. In case of war, and solely for purposes of ensuring the restoration of public order, the need to expropriate private property may be decreed by authorities who are not vested with judicial power and without prior indemnification.

Article 34. The penalty of confiscation may not be imposed.

Article 35. Literary and artistic property shall be protected as transferable property during the lifetime of the author and for eighty years thereafter through the formalities prescribed by law.

Article 38. Correspondence by telegraph and mail is inviolable. Letters and private papers may not be intercepted or examined, except by an authority, upon order of a competent official, in such cases and with such formalities as the law may establish, and for the sole purpose of seeking legal evidence.

The circulation of printed matter through the mails may be burdened with taxes, but it may never be prohibited in time of peace (Art. 5, Legislative Act 1 of 1945).

Article 39. Everyone is free to choose a profession or occupation. The law may require certificates of competence and regulate the exercise of the professions.

Article 41. Freedom of education is guaranteed. The state shall, however, have right to final inspection and supervision of institutions of learning, public and private, in order to ensure the fulfilment of the social purposes of culture and the best intellectual, moral, and physical development of the students.

Elementary education shall be free in the state schools and compulsory to the extent determined by law.

Beginning January 1, 1958, the national government shall use not less than 10 percent of its general expenditures budget for public education.

Article 42. The press is free in time of peace, but responsible, under the law, for attacks on personal honor, the social order, or the public tranquility.

Article 45. Everyone has the right to present respectful petitions to the authorities, on matters of general or private interest, and to obtain prompt action thereon.

Article 46. Any number of people may meet or assemble peacefully. The authorities may disperse any assembly that degenerates into disorder or riot, or that obstructs the public thoroughfares.

Article 47. Permanent political assemblies of the people are prohibited.

Article 48. The government alone may import, manufacture, and possess arms and munitions of war.

Title IV

Religion and the Relations Between Church and State

Article 53. The state guarantees freedom of conscience.

No one shall be molested by reason of his religious opinions or compelled to profess beliefs or observe practices contrary to his conscience [C.P., 312].

The freedom of all sects that are not contrary to Christian morality or to the laws is guaranteed. Acts contrary to Christian morality or subversive of public order that may be committed on the occasion or under the pretext of worship are subject to the general law.

Title XI

The President of the Republic and the Designate

Article 121. In case of foreign war or domestic strife, the President may, with the signatures of all the ministers, declare that the public order has been disturbed and that the whole or part of the republic is in a state of siege. By that declaration, the government shall have, in addition to its powers conferred by domestic law, such powers as the Constitution grants for time of war or of disturbance of the public order and those which, in accordance with the rules accepted in the law of nations, exist in time of war between nations.

The decrees the President may issue within these exact limitations shall be binding if they bear the signatures of all the ministers.

The government may not repeal laws by the said decrees. Its powers are limited to suspension of those laws that are incompatible with the state of siege.

In no case does the existence of a state of siege prevent the normal functioning of the Congress. Consequently, the Congress shall meet by its own right for the regular sessions and at special sessions when the government convokes it for that purpose.

If the Congress is in session when the declaration of disturbance of the public order and state of siege is made, the President shall immediately transmit to it a statement of reasons for the declaration. If the Congress is not in session, the statement shall be presented to it on the first day of the regular or special session that immediately follows the declaration.

In case of foreign war, in the decree declaring the public order to be disturbed and the republic in a state of siege, the government shall summon the Congress to meet within the next ten days, and if the government does not summon it, the Congress may meet by its own right.

The government shall declare public order to be reestablished as soon as the foreign war has ceased or

the internal strife terminated and any special decrees issued shall cease to be in effect.

The President and the ministers shall be responsible if they declare the public order to be disturbed in the absence of foreign war or internal strife, and they shall likewise be responsible, as shall the other officials, for any abuse they may have committed in the exercise of the powers referred to in the present article.

READING 2

All-Out War on Crime

BOGOTA—Like all Latin American countries, Colombia suffers the whole gambit of crime—ranging from petty theft and robbery to drug trafficking, kidnapping and guerrilla activities.

But the government of President Julio César Turbay Ayala has given notice that in Colombia at least the situation will no longer be tolerated.

Under an executive decree announced by Interior Minister Germán Zea Hernández, penalties for serious crimes are being massively increased. The government's targets are clearly those involved in organized crime and guerrilla warfare.

Among the new penalties revealed by Hernández are:

Kidnapping: Those convicted of this crime will now face a prison term of 12 years. It was previously eight.

Kidnapping involving injury or torture: The penalty for this is doubled—from 10 to 20 years in prison.

Rebellions against the government: The prison sentence goes up from eight to 14 years with a corresponding prohibition of rights and public functions for the same period.

Criminal association: An increase of five years—from 10 to 15 years—in [*sic*] the prison sentence for this offence, which involves criminal conspiracy to attack populations, private property, roads or public paths.

Disturbances of the public order leading to deaths: The penalty rises from 20 to 25 years imprisonment. If wounding is caused the penalty will be from one to 10 years. From one to five years in jail will be imposed [*sic*] if no attempt against other people's lives is made.

Terrorism: If bombs, detonators, explosives, etc., are utilized, those convicted will face prison sentences of between two and six years. If terrorist actions lead to the loss of life, the penalty will be 20 to 25 years. If masks or face disguises are employed the sentence will be raised by a third.

Extortion: Formerly a four-year sentence crime; now 10 years.

Illegal carrying of arms: Prison for up to a year.

The penalty will be from one to three years if the gun is an Armed Forces weapon.

The Chronicle, Bogota, Colombia, Sep. 13, 1978.

Not even minimum
wage in here! Nobody
cares about the human
rights of muggers!

El Tiempo, Oct. 14, 1979.

READING 3

We Indian People

Even though there are great differences in the economic structures and grades of integration in the dominant economy between the various Indian groups, it is a fact that almost all Indians are campesinos who cultivate the earth in order to sustain ourselves.

We also have problems and necessities in common with the non-Indian farmer: first, defense and recuperation of our lands; second, the struggles against exploitation by the middle-man; third, the necessity of credit, technical assistance, etc. Our enemies are the same as those of the rest of the rural population, namely: the landowners, the businessmen, the users, and all the apparatus of the State and Church which are at their service.

We Indians have become well aware of the broad bonds which unite us with the rest of the rural population and with the exploited class in general. For this reason our struggle in recent times has been within the framework of the larger campesino movement. Without a doubt, our place is in ANUC, the faithful expression of the needs and desires of all the poor of the rural area.

Along with all the common bonds we have with the rural population of Colombia, we have others which are distinct. These arise from the fact that our communities are strongly rooted in their territory, most often predating the arrival of the Spanish. Traditions of centuries translate themselves into characteristics [sic] which are economic, cultural and political. These must be taken into special consideration.

If we seem to be insisting on our differences, it is not to set us apart as a special group, but rather we are convinced it is more correct to note these differences in characteristics and potentiality of the Indian communities in order to instill a stronger dynamic into our struggle, also in order to augment our specific support for the process of liberation of all the exploited people of Colombia.

We Indians do not consider the land only as the object upon which we work and the source of our food but rather as the center of our lives, the base of our lives, the base of our social organization, and the origin of our traditions and customs.

Our communities have forms of work and holding of land which have followed for centuries. Even though recently they at times may have been suddenly snatched away from [sic] us, they continue of [sic] be an essential element in our world view and have repercussions upon the content of the struggle which we are now beginning.

For us the concept of community ownership and work is not a new structure to be learned patiently but rather a basic component of our accustomed way of life.

Another important element is our Indian concept of Nature. Practically all of the Indian communities have developed peaceful and balanced relationships between man and Nature which have permitted us to live and grow through the course of centuries. Lately the external pressure of "civilization" has forcefully modified the way of life of some groups but the idea of the destruction or unmerciful exploitation of nature is repugnant to our way of thinking.

For us the basic concept of culture includes the whole global framework of our life where the land is the departure point and where our form of government and social control assure that all of these factors remain a unit which will permit an evolution towards the future.

We Indians know we are just a small minority within the exploited masses of the country and alone we cannot accomplish anything, not even our own specific needs.

Our desire is to contribute to the liberation of the Colombian people struggling shoulder to shoulder with peasants, workers and other exploited people with their legitimate class organizations.

Latinamerica Press, v. 6., No. 28, Oct. 28, 1979.

READING 4

We Denounce and Condemn the Violations of Human Rights in Colombia!

The already deteriorated human rights and democratic freedoms of the Colombian people have been seriously threatened by the repressive campaign initiated [sic] last September by the unpopular government of the "liberal" President Julio Cesar Turbay Ayala.

Last September 6, under the pretext of fighting the growing wave of everyday common crime that was endangering the country, Turbay announced to the Colombian people his most complete repressive invention: the so-called "Security Statute". This law, which is contained in the Decree #1923 of the State of Siege, introduced measures aimed at blocking and suppressing the continuous advance of the popular struggles of the Colombian people.

The propagandists of the repressive government of Turbay insist on presenting this new invention to the

people as a means of controlling crime, yet in fact only one of its articles refers to common crimes while the rest outlaw actions of popular protest, such as strikes, demonstrations, etc.

As Article 9th. of the Security Statute makes clear, the Statute's principal objective is to militarize the administration of justice in Colombia. This Article extends the jurisdiction of the military justice system and the police by establishing that against its decisions there will be no appeals. In this way, ordinary judges have been displaced, the right to legal defense of the convicted is being denied, and any sergeant [*sic*], mayor or inspector of the police now has the power to convict without appeal for the crime of "subversion". Likewise, the Statute establishes virtual censorship of the press by prohibiting the transmission of information "relative to public order, work stoppages, general strikes or notices that incite crime or apologize for it".

The "Security Statute", passed last October by the Supreme Court of Justice, has not been created in order to fight those who "attempt to take the life, honor or property of the people", as its propagators preach, but rather to repress the popular struggles. It is a means for protecting exclusively the security of the Liberal-Conservative oligarchy that holds power in Colombia through the terrifying exploitation of the Colombian people.

For the government of Turbay which pursues the repressive policies of previous unpopular governments, the daily exploitation under which the vast majority of Colombians suffer is no "insecurity". No, for Turbay's government, a government of the exploiting classes of Colombia which are closely tied to North American imperialism, "insecurity" is the dangerous fact that the struggle of the Colombian masses against their exploitation is intensifying daily.

It is important to note that the "Security Statute" is not an initiative [*sic*] originating solely in the government of Colombia. It is part of the strategy planned by North American imperialism and the multi-national corporations, to install repressive regimes throughout Latin America in a desperate attempt to contain the popular movements which are shaking all corners of the continent. In Brasil [*sic*] this strategy surfaced in 1967 as Decree #314 or the "National Security Law"; in El Salvador it is called the "Law for the Defense and Guarantee of Public Order"; and in Bolivia it is the "Law of State Security". Similar legislations exist in Chile and Uruguay.

In the name of the Colombian people, who have lived the past 30 years under constant repression and almost permanent State of Siege, we unmask the false image of a *democratic nation* that Colombia parades in the rest of the world. As well, we denounce and condemn before the public opinion THE ASSASI-

NATION, AS YET UNINVESTIGATED, OF 35 POPULAR UNION LEADERS, POLITICIANS AND STUDENTS; THE TORTURES, SEARCHES, MASSIVE ARRESTS, KIDNAPPINGS AND ALL THE VIOLATIONS OF THE MOST BASIC DEMOCRATIC RIGHTS that have been committed since the approval of the "Security Statute" by the Army, the Police, the B2, the F2, the Brigade of Military Institutes (BIM), the Administrative Department of Security (DAS) and all the other repressive organs of the government.

U.S. Committee Against the Violation of Human Rights and Democratic Liberties in Colombia. Bogotá, NJ.

READING 5

Slow-motion Coup

On 6 September 1978, scarcely a month after the inauguration of President Julio César Turbay Ayala, a new Security Statute, Decree No. 1923, was published. Its stated aim is 'to protect the life, virtue and property' of Colombian citizens. An innocuous-sounding objective, perhaps. Yet in the first five months of its existence the statute has led many people to conclude, with Supreme Court Judge José María Velasco Guerrero, that Colombia is now a 'constitutional dictatorship', heading rapidly down the same slippery slope which was travelled by Uruguay in the early seventies, towards a hard-line military government thinly disguised under a puppet civilian president. This type of slow-motion coup has been christened 'Bordaberrisation', after the President of Uruguay, Juan Bordaberry.

President Turbay campaigned for the presidency on a promise to lift the State of Siege. But through the Security Statute, his administration is in effect replacing the earlier State of Exception with a permanent body of law, and has extended military power over new areas of civilian authority. Turbay has promised action to curb the 'security problem' afflicting the country, including a growing number of kidnappings for political and economic motives, reaching 87 in the year 1977. Several guerrilla organisations [*sic*] are also operating in Colombia, among them M-19, ELN and FARC, without notable success so far. In addition illegal economic activities are reputed to be a more important source of foreign exchange than above-board commercial transactions, and corruption flourishes on the same scale as the marijuana plant. But there is considerable doubt whether Decree No. 1923 is intended to protect against this type of crime.

The preamble to the Decree refers to 'a general state of insecurity . . . degenerating into homicides, kidnappings, sedition, riot or demonstration, or into

terrorist practices designed to produce political effects aimed at discrediting the current republican regime'. This wording blurs the distinction between crimes as such and any form of political protest. New crimes are created by the statute which are without precedent in the Colombian Penal Code. For example, Article 7 of the Decree states that a sentence of up to twelve months (without remission) will apply to those who 'occupy temporarily public places, or those open to the public, or the offices of public or private bodies, with the aim of pressuring a decision by the legitimate authorities'. This denies the right of petition laid down in Article 45 of the Constitution. Any group of people who visit the authorities, whether peasants complaining about a lack of drinking water or trade unionists seeking a solution to an industrial dispute, will henceforth run the risk of being jailed for as much as a year for having 'temporarily occupied' an office. There is no need for the use of violence to be proved. It is also worth noting that this article contravenes Article 20 of the Universal Declaration of Human Rights, whose 30th anniversary was celebrated with much self-congratulatory speechifying in Colombia three months after the Security Statute came into effect.

Phil Gunson, *Index on Censorship*, v. 3, May-June 1979, pp. 58-59.

READING 6

Minister Defends Security

CALI—With criticism mounting against the controversial Statute of Security, Minister of Justice Hugo Escobar Sierra has made a fierce defense of the decree here, insisting that it does not pose a threat to Colombia's democratic traditions.

Attacks on the statute reached a peak recently when Roman Catholic Church prelates added their voices, expressing fears that it "left the door open to official repression."

The decree represents virtually an all-out war on organized crime and terrorism, but many observers are concerned by certain articles affecting political gatherings, strikes, and radio and television.

But during a speech to members of the Colombian-American Chamber of Commerce in Cali, Escobar Sierra insisted that most of the attacks on the statute had come from "extreme Leftists" who sought to alarm the country, said that the Church no longer had the power that it did 30 years ago, and described the decree as "a simple act of legitimate defense of the State."

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alarm the country, said that the Church no longer had the power that it did 30 years ago, and described the decree as "a simple act of legitimate defense of the State."

"Our critics," he said, "have been limited to categorising the Statute of Security as something horrible and dangerous, but they haven't stopped to analyze it deeply."

He said he had not heard "any concrete criticism, but rather generic vague comments."

The statute merely allowed the government to utilize "instruments granted under the National Constitution," he said.

During the recent Medellin summit, he reported that ministers and governors of the Turbay Ayala government had agreed that the statute was the "most suitable instrument to preserve the tranquility of the country."

Escobar Sierra pointed to the open criticism of the Statute in the media as evidence that it posed no threat to the nation's democratic traditions or the freedom of expression. "This is a demonstration of the democratic freedom which lives in Colombia," he said.

The only people who need fear the Statute were organized criminals and terrorists, he claimed, since it introduced sharp increases in prison sentences for violent crimes.

He said that what he called "extremists" had used among their arguments against the decree that of human rights—"a phrase which has become very popular recently."

However, he went on: "It appears that the extremists have the right to forget human rights. They can kill, insult, and torture, but at the hour of judgement they take to their feet, saying that the Statute is repressive and a crime against human rights."

The Chronicle, Bogota, Colombia, Dec. 13, 1978, p.7.

READING 7

Catholic Church Attacks Security Clamp Down

BOGOTA—As President Julio César Turbay Ayala and his government ended their Medellin summit conference called to review their first 100 days in office, the Roman Catholic Church warned that the administration's controversial Statute of Security could lead to official repression.

The decree, which authorizes much tougher sentences for organized crime and terrorism, is one of the cornerstones of government policy which the President, his Cabinet ministers and governors were analyzing during their three-day meeting at Medellin.

Certain features of the statute, particularly those concerning strikes, political gatherings, and radio

and television broadcasting, have aroused great debate on both the Right and the Left of the political spectrum, but President Turbay Ayala has made it clear through a series of speeches that it is one line of government policy on which he is not prepared to compromise.

The Church's attack on the Statute was one of the strongest yet. In an official pronouncement, the Church said that it "left the door open for official repression which could hit the Colombian people very strongly."

The Church said that "the right to strike, the right to protest, and the right to objective information, are rights which must be safeguarded, because without them the freedom which Colombians long for plainly cannot live."

These criticisms of the statute were made by Monseigneurs, Darío Castrillón Hoyos, Bishop of Pereira, Gregorio Garavito, Bishop of Villavicencio, and Aurelio Roza, apostolic prefect of Vichada.

Making their own review of the first 100 days of the Turbay Ayala government, they expressed their concern about what they called the "concentration of powers in only one person and in only one (political) branch."

In their view democracy was much stronger when the "possibilities of authoritarianism in one form or another are counteracted."

Later Alvaro Pérez Vives, Secretary General of the Presidency, insisted that the prelates' criticisms could only be regarded as the opinions of individuals and not as the official position of the Church.

The Chronicle, Bogota, Colombia, Dec. 6, 1978, p.11.

READING 8

Colombia

The government of Colombia tries to propagate the image, both at home and abroad, of a democracy in which human rights are respected and the press is free. In reality, the armed forces have exercised more and more power in recent years, fundamental human rights are violated, and the media is often prevented or intimidated from speaking out. Every means of communication, from radio to graffiti, is restricted by legal or violent means

On September 14, 1977, for instance, a nationwide general strike divided the country in two. While the army battled the strikers in the streets throughout the nation, killing thirty-four persons (the official figure was seventeen), the radio and television stations were silent about the event. Similarly, on January 1, 1979, when a guerilla group robbed \$5 million, in arms, from a military garrison and the whole country buzzed of the affair, the radio and television uttered not a word

In December, 1977, the commanders of the Army, Navy and Air Force publicly criticised the "conduct of certain newspapers which freely engage in campaigns of slander and defamation against persons and institutions," and demanded that the government "use its emergency powers to decree additional powers to defend" the honor of its military because the "classical judicial methods" were insufficient.

In July 1978, the new government of Julio Cesar Turbay Ayala satisfied the military's wishes by using his emergency power to issue Decree 1923, better known as the State of Security. The "emergency powers" used were based on the State of Siege which has reigned in Colombia for the past forty years with only brief interruptions. The State of Security, in addition to annulling a large number of constitutional guarantees and thus opening the way for the widespread violation of human rights in Colombia today, provides, in Article 13, that "while agitation against the public order exists, radio stations and television channels shall not transmit news, declarations, statements or commentaries relating to public order to slow-downs, work stoppages or illegal strikes or to news which incites or sympathizes with crime." Article 14 empowers the Minister of Education to take over radio stations when he deems it necessary to re-establish public tranquility. Article 7, which referred to "subversive propaganda," was declared unconstitutional by the Supreme Court because it could lead to "violations of the freedom of opinion and the press established in Article 42 (of the Constitution)."

During the first five months of the new decree, twenty-three radio stations were fined or suspended. On February 9, 1979, "Journalists' Day," the President, faced with mounting protest over the law and over the case of three jailed journalists, announced that Article 13 would be suspended. It was not. The radio, the most popular source of information in Colombia, remains virtually silenced

Even graffiti is controlled by the State of Security, which provides up to a year in prison for those who affix "injurious or subversive writings or drawings" in public places.

One of the most shameful acts of the military in 1979 was the arrest of seventy-five-year-old Luis Vidales, one of the most well-known poets in Colombia. Military commandos came at dawn to his Bogota residence and took him to the Brigade of Military Institutes (B.I.M.) for interrogation about "subversive" activities. Despite a serious heart ailment, Vidales was kept blindfolded and incommunicado for twelve hours at B.I.M. until a national outcry secured his release. Says Vidales, "In this country, people should weep for the living not the dead."

"Latin America: The Freedom to Write," *Report by the Freedom to Write Committee, PEN American Center*, 1980, pp.19-21.

READING 9

Indian Educator Evaluates Guajira Schooling

June Carolyn Erlick

Bogota (LP)—When Remedios Fajardo was a child growing up in Colombia's Guajira desert, she couldn't understand why the Catholic nuns scolded children who believed in magic.

For her the magic of her traditional Indian tribe seemed compatible with what she perceived as the magic of Jesus Christ which the nuns taught her in the boarding school where Remedios, at the age of five, learned Spanish.

Now the principal of the normal school for teacher training in Uribia, Guajira Department, she is extremely concerned with the special problems of her tribe—divided into numerous castes, belonging to two countries (Colombia and Venezuela) and exposed to the temptations of many profitable but illegal activities.

The Guajira Indians live by subsistence agriculture, animal herding and contraband. Illiteracy is estimated at 35 per cent, though functional illiteracy is much higher. Of some 83,000 Colombian Guajira Indians, 15,000 have not—at least nominally—adhered to the Catholic Church.

The child growing up in the Guajira today—just as when Remedios learned Spanish 20 years ago—must attend Catholic school or no school at all. There are no native schools, and no secular primary schools in the Guajira peninsula.

The reason lies in the Concordat, an agreement between the Vatican and Colombia's government, which assigns a high degree of mutuality between Church and State. (Colombia is now the only country in Latin America which abides by a Concordat.)

Colombia's Ministry of Education has given the Catholic church total control of the educational system in the Guajira. The Church runs 67 primary and secondary schools throughout the region, many of them boarding schools. Just across the border Venezuela has set up that country's first Indian school.

In Colombia, Remedios is the first Guajira to hold an executive position in any school. But, she points out, her orders come from above, and while she has tried to assimilate Guajira culture into her school, she does not receive government encouragement. Most of her students are "civilized," as the white Guajira inhabitants have blatantly dubbed themselves.

Because of language differences the Indian students have learning problems. In the Guajira there is no bilingual education and when Indian children are taught in Spanish, it is often an unknown language to them.

Until recently the Church made no attempt to promote bicultural education. The women's native manta, a maxi-dress, was prohibited, and the man's loin

cloth was considered even more offensive. Children who spoke Guajiro in school were beaten, Remedios says. And Indian myths and customs, including polygamy, were disparaged whenever possible.

"The Church is doing us a favor providing education in these isolated areas," Remedios added, "But it is never going to change its methods."

More optimistic is Father Francisco Montoya, curator of an ethnological museum here. "I think the Church more and more is taking into consideration the culture of the people it serves," he stated. "To be sure, the Church has made some mistakes in the past."

Some of the contradictions in missionary viewpoints showed up in a special issue (1976) of the Church's mission magazine dedicated to work in the Guajira.

One missionary wrote, "The greatest confidence the Indians can show us is to give us their daughters for our boarding schools so they can study and be educated in the faith and customs of the missionaries."

Another missionary said, however, "Cultures are not static; they keep on changing. The Indians must be helped to preserve their own values, but at the same time assimilate national values; they must be helped to mature in the process of change from their culture to a Christian one; the indigenous culture must never be criticized. Look for the positive values which favor desired change. Look for methods to help the Indian describe, appreciate and preserve his culture."

Because the Concordat gives the Church responsibility for education in the Guajira this is one of the most missionary-intensive regions in Colombia. Nuns teach in the schools; priests are in the churches. Besides there are 18 Capuchin and many other Catholic missionaries as well as those from Protestant denominations. However Protestant work is primarily done in Maicao, a smuggling port and free port, Guajira's largest city, where there is strong international influence.

The Guajiras are only one of more than 200 tribes living in Colombia. Although the cultural differences between tribes are crucial, Remedios Fajardo believes a unified solution can be found for the Indian education problem. Her suggestions are the following:

- The Colombian Government needs to legalise instruction in the mother tongue of each tribe and to respect cultural characteristics;
- An indigenous linguistic institute directed by native professionals must be established on a tribal level;
- An institute to promote and coordinate linguistic study among Indian tribes, run by them, should be set up on a continental level . . .

In a newspaper article last year entitled "Two Clashing Cultures: Missionaries and Natives," an anthropologist observed, "The schooling brought by missionaries has totally dislocated the Indian from native culture. The new knowledge the Indian children acquire has only resulted in misadaptation, confusion and ambiguous attitudes. It gives them no solution to problems they face in their environment."

One set of values is handed down from parent to child; another set is imposed in the rigid Catholic schools. Although no anthropologist has made a serious study of the phenomenon, Reichel-Domafoff's observation may help to explain why the Guajira Indian adapts so readily to the marginal—but profitable—business of contraband.

Latinamerica Press, v. 10, No. 20, May 18, 1978.

READING 10

Colombian Catholic Groups Speak for the Poor

Bogota (LP)—A coalition of Catholic Pastoral Groups issued a communique here early this month backing the Church's position taken at Medellin in 1968 and expressing support for the Theology of Liberation. So far, this is the only statement coming out of Colombia's generally conservative Church to take a position different from that of CELAM General Secretary Alfonso Lopez Trujillo.

The communique is addressed to those whom "the common People believe are successors to the Apostles and also to all brethren in the faith in Latin America."

The Pastoral Groups are made up of workers, priests, missionaries, campesinos, nuns, rural teachers, mothers and university students, who in solidarity with "our suffering People" manifest their commitment of faith and decision to struggle with them.

In accordance with their desire to "construct a New Church of the Poor and exploited people" and to "struggle for the faith which is costing blood and lives in building the Kingdom" the clergy and lay Pastoral Groups comment that the country has been "marked by a long history of violence."

Concerning the present Colombian context, the Pastoral Groups say, "We are living in a situation marked by the following:

- attacks against the working class;
- starvation wages;
- denial of the right to labor organizations and strikes;
- the massacre of campesinos and Indians;
- an increasingly repressive government, especially affecting students, workers and campesinos;
- a frustrated future for young people who cannot get work or continue their education;

a lack of housing that forces millions to live in 'tugurios' (slums);
the death of 260 children a day from malnutrition;
brothers in the faith resorting to armed combat in view of this situation of 'institutionalized violence'."

Within this context, they say, "We live, reflect, proclaim and celebrate our faith as the seed of a Church which is born of the People."

Latinamerica Press, v. 10, No. 22, June 1, 1978.

READING 11

A. I. Report Exposes Undemocratic Practices in Colombia

Joaquin Rubiano

Bogota (LP)—Although Colombia's Pres. Julio Cesar Turbay Ayala has repeatedly said that his government is a zealous defender of democracy, Amnesty International (AI) has recently charged that "military personnel" have "systematically tortured" political prisoners and that arrests are made arbitrarily.

The London-based human rights group recommended that the Colombian government "strictly limit" the powers of the nation's military and police forces.

The AI charges in the report, which was first delivered to the Colombian government before its release to the public on April 17, agree with the accusations of the M-19 guerrillas who took some 60 hostages including 15 ambassadors during a reception in the Dominican Embassy here on February 27 (*Cf. LP, Mar. 20, 1980*). The M-19 claims that the Turbay regime is essentially antidemocratic and that it was to make this fact known abroad that it occupied the embassy. (Negotiations continued between the guerrillas and the government until an agreement for the release of the remaining 18 hostages left the embassy on April 27.)

The Colombian government in reaction to the AI report attacked the Nobel Prize winning organization, a worldwide movement which works for the release of men and women who are "prisoners of conscience" provided they have neither used nor advocated violence, in a statement which said Amnesty International "arrives with halos of social responsibility to respond to the calls of extremists but goes into hiding when those extremists are shown as violators."

The 44-page survey of the human rights situation in Colombia was the result of the January visit of an AI team of investigators. The team visited jails and hospitals and talked to political prisoners and ex-prisoners as well as politicians, union leaders and other

Colombians. They also interviewed government officials, including President Turbay.

The team's findings

According to the AI survey, there are 33 centers "where torture has been reported and approximately 50 methods of torture, ranging from the psychological to beatings, burnings, the use of drugs and electric shock."

AI said it recognized that there had been acts of violence by some opposition groups in Colombia, which has been "almost continuously under a state of siege for 30 years." This has meant a "quasi-permanent suspension of the human rights guaranteed in Colombia's constitution and in international agreements to which the country is a signatory."

The state of siege had "facilitated indiscriminate and widespread political arrests, prolonged detention without trial, torture, summary trials of civilians before military courts, and political murders, especially in peasant and Indian areas."

The team found that prisoners were frequently held in military units. It received evidence of murders since 1973 of 48 members of CRIC (*Consejo Regional Indigena del Cauca*). According to the report, doctors, lawyers, priests, educators and journalists are among those who have been arrested. The team received documented information showing that in many cases they were arrested for giving professional help to government opponents.

Amnesty's recommendations

Amnesty's recommendations to the Colombian government include the following:

Regarding *effective protection of human rights*, it urged the government to consider lifting the state of siege and abrogating the Security Statute—which subjects civilians to trials by military tribunals. It asks for guarantees to protect persons who are in jail, appealing to Article 28 of the Colombian Constitution which allows detention without charges for up to 10 days only.

On the *right of defense in a military tribunal*, AI exhorted that civilians not be tried by military tribunals such as the *Consejos Verbales de Guerra*, summary by nature, where the accusers are also the judges.

On *arrest and detention procedures*, Amnesty requested a review of these measures either by the Council of State or the Supreme Court of Justice.

On *torture*, the document demands that the widespread use of torture of prisoners cease. It proposes the creation of independent civilian commissions, with the participation of medical doctors and lawyers, to investigate torture charges; new instructions for police and armed forces on interrogation procedures; the opportunity for prisoners to contact their lawyers and relatives within 24 hours of arrest and thereafter; regular medical examinations; and indemnization for torture victims.

On *assassinations and disappearances in militarized zones*, the team recommended that the government strictly delineate the attributes of police and military personnel in these zones and take steps to end paramilitary groups.

On the *rights and freedom of workers*, the organization called for the release of jailed labor leaders who are not charged with violence and asked that those with penal charges be tried impartially and publicly without delay.

On *freedom of conscience and expression and political and professional rights*, AI stated that it is aware of the existence of guerrilla movements in the country. But at the same time it asked the government to make a clear definition of the crimes of "subversion" and "disturbance of the public order" so that political rights may be duly protected.

On *constitutional reform and a new penal code*, the recommendations call for a revision of the 1979 constitutional reform on administration of justice and the 1980 penal code, in order to guarantee the independence and impartiality of the courts and the effective protection of human rights in Colombia.

Observers here say that AI's report will make a very strong impact in Colombia. While the organization does not share the M-19's methods for struggle, its report corroborates the accusations the guerrilla members are making of the Turbay regime.

AI coincides with others who have harshly criticized the present government. For ex-President Dario Echandia—whom even the regime considers to be "the country's juridical conscience"—in Colombia there is a dictatorship, not a democracy. Alberto Lleras, another former President, maintains that what exists in Colombia is a "monarchy" in which the real power behind the throne is the military.

Apparently the AI report is having an effect, judging from the fact President Turbay sent Amnesty International a telegram invitation to be present for the upcoming trials of political prisoners which will be held in civilian courts and not military tribunals.

Latinamerica Press, v. 12, No. 18, May 1, 1980

READING 12

Colombian Priests Denounce 'Security Law'

ED. NOTE: A week after the promulgation of a new "Security Law" by the Colombian government last month, the SAL Priests (Sacerdotes para America Latina) issued an analysis of the law, calling it "an attack" on the masses of the people. For SAL, a movement made up of priests committed to the poor who do theological reflection on social problems, the law lends itself to the protection of "a well-to-do minority whose wealth is beginning to be threatened by explosive expressions of popular desperation" which are the result of miserable living conditions generated by

an unjust "economic and political structure." Following is LP's translation of the September 14 statement entitled "Bourgeois Security and Popular Insecurity."

The promulgation of Decree No. 1923 (Sept. 6, 1978), known as the "Security Law" compels us to speak to all people and organizations that are interested in respect for human rights. Motivated by our Christian faith we denounce the situation this Law has created, the payoffs it reveals and, paradoxically, the attack it represents on the "security" of the majority of Colombians.

For a long time the Colombian people have been suffering from the constant and progressive deterioration of their security. The rights which the Universal Declaration of Human Rights hypothetically recognizes for all people, such as the right to work and fair remuneration (art. 23), to education (art. 26) and to a standard of living adequate to assure health, food, housing, medical care and social security (art. 25), are progressively denied to a growing number of Colombians step-by-step with the rise in the cost of living, the deterioration in the real value of wages, the increasing unemployment and the concentration of land and capital in the hands of a small number of people.

Dehumanizing factors

Profits in the millions for big corporations, the bureaucratic extravagant use of public funds and the exorbitant entry of foreign capital clearly show that the growing insecurity of the people is not caused by the lack of resources but by the economic and political structure programmed to enrich a minority at the price of hunger and dehumanization for the majority.

On account of this we see with amazement how every kind of delinquency is giddily skyrocketing: robbery, assault, assassination, kidnapping, prostitution, alcoholism, drug addiction and all the lumpenque forms of human degradation. Meanwhile, among the privileged class and public functionaries there is a proliferation of no less alarming forms of delinquency: contraband-running, speculation, illicit transactions, gangsterism, mafias, venality in the courts, crimes that are committed with no fear whatsoever of punishment.

In our pastoral work we feel the constant need to analyze these acts which attack the security of our people. But there is something that impresses us even more: the insecurity of the poor before judicial and military authorities and the so-called security forces. While the jails are filled with innocent people criminals take possession of the streets and cities due to the proverbial venality of Colombian "justice." Thousands of innocent people fill our jails and receive inhuman treatment for the only crime of not having money to prove their innocence. To this is added the

practice of torture, which is being reported principally by those who are arrested for political reasons.

Search for a new order

To people in such an extreme situation of insecurity there remains the recourse of the legitimate exercise of their political rights in the search for an alternative form of a power which would guarantee an institutional economic order at the service of the masses. But if we analyze this aspect we find a number of factors which unmask the apparent Colombian "democracy":

- the irresponsibility of the parties and political leaders who are able to make false promises because there is no one with power to require that they fulfill the promises;
- the pressures of every kind which are exerted on the people in order to get their votes, mainly by taking advantage of their ignorance and using a political boss structure promoted and maintained by the ruling class;
- the prospect of electoral fraud on the dimensions of that of 1970 which has been turning even the small minority that votes away from the polls.

All this leads us to conclude that the basic political right which the Human Rights Charter affirms—that "the will of the people is the basis of the authority of public power" (art. 21)—is not in effect in Colombia.

Insecurity of the common people

This is the insecurity which affects our people:

- insecurity produced by the lack of employment or its fair remuneration;
- insecurity for not having access to respectable living conditions;
- insecurity against crime in the streets done in desperation;
- no protection before the repressive sectors who have their highhandedness guaranteed;
- insecurity before the degraded torturers in police stations, jails and judicial investigation centers;
- insecurity before mercenary and corrupt officials;
- and the fundamental insecurity resulting from the unattainability of political rights.

In this context the so-called "Security Law" is promulgated. Our question is: What kind of security does this statute pretend to safeguard?

Whoever analyzes it candidly will only conclude that it is conceived to protect a very small well-to-do minority whose wealth is beginning to be threatened by explosive expressions of popular desperation.

Denial of basic rights

On looking more closely at certain articles we must also conclude that the Law seeks to protect the security of the governing elite faced with the proliferating symptoms of citizen discontent. Therefore, it feels compelled to deny such inalienable rights as the

right to protest, to denounce administrative corruption, to have free access to information and the right to assembly and to publicly manifest political ideas and projects.

But the Law, which does not examine in any of its articles the kinds of popular insecurity we have mentioned, instead, strengthens the highhandedness of repressive agencies and gives them greater legal footing. Articles 8 to 12 of the Law in question seriously violate the right, now almost annihilated in the practice of Colombian "justice," which every person has "to be presumed innocent until proved guilty according to law in a public trial at which he has all the guarantees necessary for his defense" (art. 11, Universal Declaration of Human Rights).

Recommendations

Since the Law devotes several of its articles to the crime of "political rebellion," we think it is opportune to recall the wisdom of Pope Paul VI, taking up a millenarian tradition of Christian ethics in his encyclical *Populorum Progressio*, in saying that revolutionary insurrection is legitimate "in the case of manifest, longstanding tyranny which would do great damage to fundamental personal rights and dangerous harm to the common good of the country" (*P.P. 31*).

We are asking all international organizations who are presently interested in the defense of human rights to denounce in international forums the progressive deterioration of these rights in Colombia.

We, as Christians and priests, also denounce the growing strength of the tyranny of a small powerful class, unjustly possessing wealth, power and arms, which exercises greater and greater repressive violence upon the majority of the Colombian people. Sept. 14, 1978, Bogota.

Copies to: Amnesty International, Russell Tribunal, International Commission of Catholic Jurists, Pontifical "Justice and Peace" Commission, U.N. Commission on Human Rights, Campaign for the abolition of torture (London), International Study Days for a Society Overcoming Domination, national and international news agencies, Latin American Bishops Conferences.

Latinamerica Press, v. 10, No. 38, Oct. 19, 1978.

READING 13

Colombia

From January 15-31, 1980, an Amnesty International fact-finding mission visited Colombia to examine the protection of human rights there under a series of exceptional legal measures implemented by the government in the last several years. The mission, which visited the country at the personal invitation of President Julio César Turbay Ayala, was particu-

larly interested in examining: 1) the exercise of human rights under the state of siege, the recent Statute of Security, and a number of decrees which expand the jurisdiction of the military in the administration of justice; 2) alleged abuses of Article 28 of the National Constitution whereby persons suspected of subversive activities can be held for up to 10 days without formal charges; and 3) allegations of the arrest and torture of prisoners of conscience from a wide spectrum of society.

During its visit, the mission visited numerous individuals and organizations including: President Turbay Ayala and other government officials; military authorities; human rights organizations; trade unions; peasant and Indian organizations; political party members; medical and legal organizations; religious groups; academic and student organizations; and members of juridical and social science research institutions. Amnesty also visited 11 prisons, 2 military installations used as jails, and 2 hospitals. It received declarations from 400 political prisoners and over 30 independent trade unions from throughout the country.

On April 17, 1980, the AI International Secretariat (10 Southampton St., London WC2E 7HR, U.K.) released a 44 page, Spanish language report (which it had earlier presented to the Colombian government), stating that it had found "a pattern of widespread arbitrary arrests and systematic torture of political prisoners" and had given the Colombian government detailed recommendations for ending the abuses.

The following are translated excerpts from the 10 recommendations which appear in the report. *Amnesty International recommends to the Colombian government:*

1) *That it consider as a question of the highest urgency the lifting of the state of siege which . . . has contributed to the current increase in the violation of human right in Colombia.*

2) *That it abrogate Decree 1923 of 6 September 1978 (or the Statute of Security), and the Decrees 2193, 2194, 2195 (18 Oct. 1976), 2578 (8 Dec. 1976) and 0070 (20 Jan. 1978) due to the fact that the application of these decrees constitutes a violation of human rights . . .*

3) a) *That it provide the legal counsels of those persons detained under Article 28 of the Constitution with the records of the detentions, or make them public, as well as the Government's reasons for ordering the detentions; b) that it assure that the places in which persons are detained under Article 28 be those established for such purpose under common law, that they be publicly known, and not be special military installations. Furthermore, that it respect the right of communication established under Article 68 of the National Police Code, as well as the ordinary guarantees for detained persons protected in Articles 9 and*

14 of the International Covenant on Civil and Political Rights of the UN, and the Standard Minimum Rules for the Treatment of Prisoners.

4) *That it transfer to the competence of the civil courts (justicia ordinaria) all those legal proceedings which currently fall under the jurisdiction of the military, against civilians, whether or not they are connected or are thought to be connected with armed opposition movements.*

5) *That it revise the current proceedings for receiving and resolving petitions alleging the violation of human rights, either by the Council of State or by the Supreme Court of Justice, with the end of establishing effective and independent mechanisms with full power to investigate the legality in each case. The decisions of such bodies should be binding on the executive power. An independent examination of the presumed bases justifying detention is the minimum requisite to protect an individual against illegal detention.*

This signifies that the right habeas corpus must be guaranteed.

Furthermore, Amnesty International believes that there must be no discrimination against political prisoners. The rights guaranteed under the Standard Minimum Rules for the Treatment of Prisoners and the Code of Conduct for Law Enforcement Officials of the United Nations must be respected. As a matter of principle, the investigation of violations of human rights committed by members of the Armed Forces should not be left in the hands of the same military justice. Above all, the effective judicial supervision by the civil courts (justicia ordinaria) must be guaranteed, as an essential element in the protection of the fundamental rights of the detained.

6) *That it immediately institute public commissions for the investigation of torture and maltreatment of detainees in Colombia . . . the final reports of which should be made public. That it immediately and publicly instruct military and police officials on the guidelines established under the recently adopted UN Code of Conduct of Law Enforcement Officials—particularly concerning interrogations.*

Amnesty here gives a set of general recommendations for the elimination of torture, including: 1) the right of detainees to contact their families and their attorneys within 24 hours of detention and afterward; 2) the right to free legal counsel when financially necessary, and the sanctity of communications between council and client; 3) the right to regular medical examinations; 4) the inadmissibility of information elicited under torture in legal proceedings; 5) government remuneration for persons who have suffered torture; 6) particular care of the sick, pregnant and lactating women.

Recommendation No. 7 deals with the establishment of military war zones in cases of internal conflict, calling for: 1) the public delineation of special military powers in such circumstances and the establishment of civilian monitoring mechanisms to resolve potential abuses of power; 2) the continued protection of *habeas corpus* in such zones; 3) immediate government measures against paramilitary organizations operating against the indigenous population and community leaders, and the prosecution of their members; and 4) special measures for the protection of the indigenous population against arrests and assassinations stemming from land disputes.

8) *Amnesty International maintains that citizens may not be arrested for their political convictions, for their legal political activities or for their union activities as is stipulated . . . in the UN Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. AI therefore recommends and requests that all such prisoners of conscience be released. In cases where criminal charges may be brought against these persons, AI recommends that the judicial proceedings be public, impartial and expeditious.*

9) a) *That effective measures be enacted to protect members of the professional sector (doctors, lawyers, journalists, educators, priests) from arrest and harassment for activities directed by their professional and ethical codes, in conformity with Article 240 of the Colombian Code of Penal Procedure, with Articles 18 and 19 of the International Covenant on Civil and Political Rights, the Declaration of Tokyo of 1975 of the International Medical Association, and in accordance with the rights of legal defenders recognized internationally; b) that the legislative power provide a clear definition and precise interpretation of "crimes of subversion" and "disturbance of public order", in a manner which will permit the effective protection of those political rights recognized under the international covenants to which Colombia is a signatory . . . ; c) that it guarantee the personal security of foreign citizens seeking political refuge in Colombia . . .*

10) *That the 1979 Constitutional reform on the administration of justice, and the new Penal Code be revised in conformity with the recommendations above, placing special emphasis on guaranteeing the best conditions for the independent and impartial operation of the judicial power, and for the effective protection of human rights in Colombia.*

L. S. Wiseberg and H. M. Scoble, eds., *HRI Newsletter*, v. 5., No. 8-9, June-July 1980.

READING 14

Colombia's "Democracy" Taking on a Repressive Cast

June Carolyn Erlick

Bogota (LP)—"If you're talking about an all-out military dictatorship, Colombia is certainly not in the big league," commented a long-time observer of Colombian affairs. But if you're talking about a democracy, I'd say you are joking."

Human rights activists are concerned that Colombia, one of the two so-called democracies in Hispanic South America, may be going the way of military dictatorships so typical in this continent of impoverished economics, as a means of political and economic oppression.

A "repressive democracy"

But still others are equally concerned that Colombia, with its civilian president assuming power from an election in which only 30 percent of the eligible electorate voted, may be providing a role model as a "repressive democracy."

"As countries such as Brazil to our south and Nicaragua to our north feel compelled both because of internal and external pressures to begin a democratization process, Colombia seems to show them how they can have their cake and eat it too," said a university professor.

Since January, some 2,000 persons have been detained for investigation on subversion charges. Some have been held up to a month, in many cases blindfolded, fed only *agua de panela*, (sugar water) and prohibited contact with the outside world. Approximately 130 persons throughout Colombia now have formal detention warrants filed against them on subversion charges.

The mass roundups—which include many reported ransackings of homes, apartments and publishing houses—followed the New Year's theft of some 5,000 arms from the military brigades. The theft was attributed to a guerrilla group, the 19th of April Movement, known as M-19.

When the arrests began, most moderates took the military action in stride as a measure to detain the "subversive group". But soon reports of physical and psychological tortures began to emerge. Pedro Mogollón, held for questioning in regard to M-19, gave detailed declarations as to the use of electric shocks, submersion in water, and psychological torture. In another case, Miguel Vega Uribe was hospitalized and operated on for a damaged bladder after being held for questioning by military authorities.

Latinamerica Press, v. 11, No. 19, April 19, 1979.

READING 15

Colombia

Colombia is a centralized, presidential democracy, which has been ruled by freely elected governments for all but five years of the present century. The Constitution provides for a popularly-elected President and Congress and an independent judiciary.

Two parties, the Liberal and the Conservative, have dominated politics since the mid-19th century. From 1958 to 1974, under the "National Front," they alternated in power. The present chief executive is a Liberal, as was his immediate predecessor. In accordance with the Constitution, the Cabinet includes opposition party members. Third parties have played only a minor role. The military in Colombia has a long tradition of nonintervention in political affairs; in the present century, the country has experienced military dictatorship only once (1953-1957).

The Constitution guarantees numerous civil and political liberties, as well as some social benefits. A constitutionally authorized state of siege, which permits the curtailment of civil and political liberties, is currently in effect and has been imposed in varying degrees for the last 30 years. Since the promulgation of government decrees 1923 of September 6, 1978, covering security offenses, and 1244 of October 4, 1978, dealing with air and sea traffic, the state of siege has had an increased impact on life in Colombia.

For at least the last three decades, Colombia has had serious problems with politically and non-politically inspired violence. Several terrorist and guerrilla groups, with some 2,000 members, now operate in the countryside and to a lesser extent in the larger cities. An American Peace Corps volunteer, Richard Starr, continues to be held captive by rural guerrillas. After the January 1, 1979, theft from an army arsenal of 5,000 weapons by members of the Movement of the 19th of April, the government launched a campaign to eliminate this terrorist group. Other terrorist groups, too, have been pursued with increased intensity by the government during the last 12 months. The increase in anti-terrorist operations at the beginning of 1979 continued for approximately three months but subsided somewhat during the latter half of the year. During the height of the government's crackdown a number of charges of human rights violations surfaced.

Colombia is an open society where all political issues including human rights matters are debated freely. In late 1979, the Congress passed a major judicial reform bill which strengthens certain institutional safeguards for human rights.

Despite rapid economic growth and a strong foreign exchange situation, Colombia continues to be plagued by skewed income distribution and inflation.

1. Respect for the Integrity Of The Person, Including Freedom From:

a. Torture:

The Constitution states that public officials may be held legally responsible for abuses of authority and for acts of omission in the exercise of their authority. Torture is forbidden by law and is contrary to custom. High-ranking officials have publicly decried its use.

There have nevertheless been a number of reports of torture, most of them following the crackdown on terrorists after the January 1, 1979 arms theft. In general, the sources of reports of torture have been the alleged victims themselves or representatives of opposition groups. The Government has argued that the accusation of torture is routinely made in order to embarrass the government. Many of the reports of torture have been disproven. However, some of them appear credible. Torture was reportedly inflicted in the early stages of prisoners' incarceration, especially during interrogation.

Charges of abuse by military personnel are normally handled through the military investigation and judicial system or in some cases by a representative of the Office of the Attorney General. Incidents involving the police are investigated by the Office of the Attorney General. In recent months, a number of policemen and military personnel have been investigated and some have been brought to trial and convicted for abuse of prisoners.

b. Cruel, Inhuman or Degrading Treatment or Punishment:

Reports of inhuman or degrading treatment are more frequent than reports of torture. Such incidents reportedly most often occur immediately or shortly after arrest, while the prisoner is being interrogated. There have been no summary executions—the death penalty is specifically proscribed by the Constitution—or known deaths as a result of brutal treatment. Nor have there been any known cases of disappearances. Some detainees suspected of security offenses have been held in military installations not normally used as prisons, but most are incarcerated in regular prisons segregated from common criminals.

Normally, prisoners are held in one- or two-person cells, and have access to open areas containing stores, cafeterias, barbershops, and recreational facilities. The larger prisons have resident medical and dental staffs. However, an outbreak of tuberculosis in one of Bogota's major prisons gave rise to press criticism of the system. Prisoners are fed a typically Colombian diet, and can supplement it with other foods, either purchased in prison stores or brought in from outside. Family members are normally allowed to visit prisoners regularly. The International Committee of the Red Cross, between January 14 and February 2, 1979, visited 170 prisoners in Bogota and Tunja. Also, the Ministry of Justice has developed a program of

regular prison visits by Ministry officials.

c. Arbitrary Arrest or Imprisonment:

Under the existing state of siege, the government has broad powers to arrest and detain to preserve public order. According to the Minister of Justice, 177 persons accused of belonging to subversive organizations were being held in September. The Minister also said that 961 others had been arrested and released. In all, more than 350 persons accused of subversive activities were arraigned or tried in 1979. The government has repeatedly stated that no one is arrested simply for holding political beliefs contrary to those of the government and that all those detained under Article 28 of the Constitution (dealing with threats to public order) or the Internal Security Statute of September 6, 1978, have been detained on suspicion of having committed acts of violence.

Colombian law provides for habeas corpus in most cases. However, the right of habeas corpus is not applicable to the case of any person detained under Article 28 for the first ten days of his detention. In recent months, some suspected subversives are known to have been held without formal charges for as long as 30 days.

d. Denial of Fair Public Trial:

The right to a fair public trial is guaranteed by the Constitution and generally honored in practice. Prisoners may be represented by attorneys of their choice, but if they have none, the court will designate one. Court proceedings are closed until investigation of the circumstances is completed and an indictment handed down. Owing to an overburdened judicial system, many persons indicted for common crimes never come to trial but are simply released after serving the minimum sentence applicable to the crime in question.

In late 1979, the Colombian Congress passed a far-reaching reform of the judicial system. The new law assigns specific responsibility to the Attorney General's office for the protection and defense of civil, economic and other human rights in all areas of public administration and government activities. Under this law, the Attorney General would no longer be the principal prosecutor for the Government.

Kidnapping for political purposes, promoting or leading an armed uprising, committing violent acts against collective security or integrity, causing public disturbances, damaging property by the use of explosives, forcing any person to deliver, send or store illegal goods, money or documents and crimes against the military are crimes for which the accused stand trial in military courts in accordance with decree 1923 of 1978.

Whether tried in civil or military courts, the accused is entitled to counsel, counsel has free access to the defendant and consultations between the latter and counsel may be private. Defendants are made fully aware of the charges brought against them, and

they and their lawyers may inform themselves of the evidence on which the charges are based. Unconfirmed complaints have been made of government harassment of defense counsel by the government in recent security statute cases.

The International Commission of Jurists has criticized certain provisions of the Security statute citing, for example, the removal of the right to appeal conviction to a higher court.

e. Invasion of the Home:

The Constitution requires a legal order before the authorities can enter a private home, except in case of the hot pursuit of a person seen committing a crime who attempts to seek refuge in his own home.

The sanctity of the home is generally respected in practice, though there have been several press accounts of instances of alleged illegal search in the last few months. Apparently accurate reports have been received of patrols damaging houses they had searched.

2. Government Policies Relating to the Fulfillment of Such Vital Needs as Food, Shelter, Health Care and Education:

Colombia has a mixed economy. The Constitution gives the government the right to set the general direction of the economy and permits it to intervene in the production, distribution, utilization and consumption of goods and services. Generally, the State does not openly intervene, but rather exercises selective controls over private enterprise. The private sector is well organized in sectoral interest groups which often exercise powerful influence over government policy. Special problems facing the economy are skewed income distribution, the heavy though decreasing internal migration from the countryside to the cities, and high rates of inflation.

Urban unemployment is officially 8.5 percent. Emigration has provided an important safety valve for both urban unemployment and rural underemployment. The middle class is growing. However, extreme poverty can be found in both urban and rural areas. Despite land reform efforts, large land holdings coincident with large numbers of landless peasants and subsistence plots are the pattern in many regions of Colombia. A notable exception to income maldistribution is in Colombia's important coffee-growing regions, where farms are typically medium- to small-sized. The National Salary Council periodically establishes minimum wage levels for both industry and agriculture. However, increases in minimum wages have failed to keep pace with increases in the cost of living. While a majority of urban workers are paid above the minimum wage, only an estimated one-third of the urban labor force is subject to the minimum wage directives. The January 1979 minimum wage increase had already been mostly eroded by mid year.

While the tax system is a highly progressive one, the tax reform act of 1974 sets rates that many Colombians feel are confiscatory. Thus, tax evasion is reportedly more widespread than previously.

Most property is privately owned, and the Constitution specifically guarantees the ownership of property by both natural and juridical persons, but adds that "property is a social function that implies obligations". Similarly, the Constitution guarantees "the freedom of business and private initiative within the limits of the common good".

The Government currently stresses the importance of controlling inflation which is probably about 30% for 1979. The rate of growth of GNP is estimated at 6% for 1979. Per capita GNP is \$986.

Although accurate statistics are not available urban construction for low-income groups does not appear to be keeping up with demand. Industry sources report that in the first quarter of 1979, construction in Bogota was down 10 percent and for all urban centers, down 14 percent.

The Turbay Administration has projected a vastly increased level of public sector investment concentrating principally on infrastructure development. The social welfare programs of the preceding government have been continued. Official statistics suggest that the literacy rate is between 72 and 75 percent for persons over 15 years of age. Free and compulsory education is required for the primary grades and most secondary schools are free or inexpensive. The quality of education provided by most public schools is mixed. 1975 statistics from the National University indicate that about 77 percent of all primary school-age children actually enter school but only 28 percent of those who enter continue their studies through the last grade of primary school. Of the 28 percent, moreover, only 36 percent enter secondary school and, of these, only 31 percent graduate.

3. Respect for Civil and Political Liberties, Including:

a. Freedom of Speech, Press, Religion and Assembly:

Despite the state of siege, the pattern of respect for these Constitutionally-guaranteed rights has remained essentially unchanged. The 1978 Security Statute gave the Government authority to control radio and TV broadcasts relating to alleged subversive activities and other public order questions. Several stations have been fined for broadcasting reports or commentaries deemed prejudicial to public order. This restriction has been removed. Press censorship does not exist and the press often attacks the government and its leaders vigorously. However, in the government's campaign against guerrilla groups, a number of journalists representing opposition organizations were arrested and held briefly. The editor of a newspaper strongly critical of the govern-

ment's anti-guerrilla campaign was sentenced to a year in prison the day after her arrest for selling an unregistered firearm to another person a year earlier. No newspaper was closed in 1979.

The government has impeded public assembly when it anticipated violence. For example, in September on the second anniversary of a bloody general strike, the government prohibited marches and demonstrations but allowed the labor confederations to organize peaceful assemblies. A National Forum on Human Rights in March was attended by representatives of trade unions, civic movements, political parties, peasant and Indian organizations, Catholic bishops, slum dwellers, professional societies, and relatives of prisoners.

b. Freedom of Movement Within the Country, Foreign Travel and Emigration:

Travel controls within Colombia consist of airport and highway document checks and inspection for illegal arms. Foreign residents leaving the country must have an exit permit. Under a special security decree aimed at drug trafficking the movement of aircraft and ships is restricted in certain geographic areas. There are no other restrictions on domestic or foreign travel or emigration.

c. Freedom to Participate in the Political Process:

The Colombian political system is democratic. For most of the country's independent existence, two parties, the Liberal and the Conservative, have dominated politics. They encompass sectors with widely divergent political views and other parties exist as well, including several of the extreme left. Opposition parties function freely, are allowed to raise funds, field candidates, hold public meetings and have access to the media; some groups publish their own newspapers. Guerrilla organizations that carry out acts of violence are proscribed by law. The Constitution confers on persons of 18 and over the right to vote, and this right is respected by the authorities. National elections are held every four years and local elections every two years. Elections are generally honest. Persons convicted of certain crimes can be disenfranchised. Public employees are forbidden by law to participate in political campaigning but can vote.

While women have equal civil and property rights, their role in Colombian society has been limited.

With growing urbanization and greater educational opportunities, however, women are becoming active participants in politics and leaders at all levels of society. Although, the present Cabinet is all-male, four women have served as ministers. The highest ranking women now in government are the Vice Minister of Communications, a Counselor of State and the Deputy Attorney General. The newly-appointed Secretary General of the Liberal Party is a woman. Generally, women are at a distinct disadvantage in competing with men for professional positions and are nearly always paid less than men for the same work (despite the fact that this practice is illegal).

Colombia has an active trade union movement to which perhaps 25 percent of all workers belong. Strikes on such issues as wages and working conditions are permitted. Those judged to be politically motivated are illegal, but nevertheless occur from time to time and are not repressed by force unless they become violent.

4. Government Attitude and Record Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

High-ranking Colombian Government officials have often gone on record favoring investigations by international organizations of alleged violations of human rights. At the same time, they have cautioned against undue interference in the internal affairs of countries.

At the invitation of President Turbay, Amnesty International sent observers to the military trials of those accused under the Security Statute, and as noted above representatives of the ICRC visited prisoners in January and February of 1979. Nevertheless, President Turbay has been quoted as saying that Colombia has its own means of preventing human rights abuses and that an "international investigation" is therefore not "advisable", and the Defense Minister reportedly said on April 22 that Colombia would not agree to charges of torture being investigated by an international organization, because "we are a nation that has come of age and possesses legal instruments to prevent abuses".

Colombia was one of the first nations to ratify the American Convention on Human Rights.

Country Reports on Human Rights Practices for 1979, Department of State. Washington: Superintendent of Documents, 1980.

READING 16

THE CONSTITUTION OF INDIA

WE, THE PEOPLE OF INDIA, having solemnly Preamble,
resolved to constitute India into a SOVEREIGN
DEMOCRATIC REPUBLIC and to secure to all
its citizens:

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith
and worship;

EQUALITY of status and of opportunity;

and to promote among them all

FRATERNITY assuring the dignity of the
individual and the unity of the Nation;

IN OUR CONSTITUENT ASSEMBLY this
twenty-sixth day of November, 1949, do HEREBY
ADOPT, ENACT AND GIVE TO OURSELVES
THIS CONSTITUTION.

Part III.—Fundamental Rights.—Arts. 14—16.

Right to Equality

14. The State shall not deny to any person equality
before the law or the equal protection of the laws
within the territory of India.

15. (1) The State shall not discriminate against
any citizen on grounds only of religion, race, caste,
sex, place of birth or any of them.

(2) No citizen shall, on grounds only of religion,
race, caste, sex, place of birth or any of them, be
subject to any disability, liability, restriction or con-
dition with regard to—

(a) access to shops, public restaurants, hotels
and places of public entertainment; or

(b) the use of wells, tanks, bathing ghats, roads
and places of public resort maintained
wholly or partly out of State funds or
dedicated to the use of the general public.

(3) Nothing in this article shall prevent the State
from making any special provision for women and
children.

(4) Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.

16. (1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.

(2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.

(4) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.

17. "Untouchability" is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of "Untouchability" shall be an offence punishable in accordance with law.

Right to Freedom

19. (1) All citizens shall have the right—

- (a) to freedom of speech and expression;
- (b) to assemble peaceably and without arms;
- (c) to form associations or unions;
- (d) to move freely throughout the territory of India;
- (e) to reside and settle in any part of the territory of India;
- (f) to acquire, hold and dispose of property; and
- (g) to practise any profession, or to carry on any occupation, trade or business.

(2) Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of '[the sovereignty and integrity of India,] the security of the State, friendly relations with foreign States, public order, decency or morality, or in rela-

tion to contempt of court, defamation or incitement to an offence.

(3) Nothing in sub-clause (b) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the sovereignty and integrity of India or public order, reasonable restrictions on the exercise of the right conferred by the said sub-clause.

(4) Nothing in sub-clause (c) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of ²[the sovereignty and integrity of India or] public order or morality, reasonable restrictions on the exercise of the right conferred by the said sub-clause.

(5) Nothing in sub-clauses (d), (e) and (f) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, reasonable restrictions on the exercise of any of the rights conferred by the said sub-clauses either in the interests of the general public or for the protection of the interests of any Scheduled Tribe.

20. (1) No person shall be convicted of any offence except for violation of a law in force at the time of the commission of the act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence.

(2) No person shall be prosecuted and punished for the same offence more than once.

(3) No person accused of any offence shall be compelled to be a witness against himself.

21. No person shall be deprived of his life or personal liberty except according to procedure established by law.

22. (1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice.

(2) Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty-four hours of such

arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate and no such person shall be detained in custody beyond the said period without the authority of a magistrate.

(3) Nothing in clauses (1) and (2) shall apply—

(a) to any person who for the time being is an enemy alien; or

(b) to any person who is arrested or detained under any law providing for preventive detention.

(4) No law providing for preventive detention shall authorise the detention of a person for a longer period than three months unless—

(a) an Advisory Board consisting of persons who are, or have been, or are qualified to be appointed as, Judges of a High Court has reported before the expiration of the said period of three months that there is in its opinion sufficient cause for such detention:

(5) When any person is detained in pursuance of an order made under any law providing for preventive detention, the authority making the order shall, as soon as may be, communicate to such person the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order.

(6) Nothing in clause (5) shall require the authority making any such order as is referred to in that clause to disclose facts which such authority considers to be against the public interest to disclose.

(7) Parliament may by law prescribe—

(a) the circumstances under which, and the class or classes of cases in which, a person may be detained for a period longer than three months under any law providing for preventive detention without obtaining the opinion of an Advisory Board in accordance with the provisions of sub-clause (a) of clause (4);

(b) the maximum period for which any person may in any class or classes of cases be detained under any law providing for preventive detention; and

- (c) the procedure to be followed by an Advisory Board in an inquiry under sub-clause (a) of clause (4).

Right against Exploitation

23. (1) Traffic in human beings and *begar* and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

24. No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

Right to Freedom of Religion

25. (1) Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion.

26. Subject to public order, morality and health, every religious denomination or any section thereof shall have the right—

- (a) to establish and maintain institutions for religious and charitable purposes;
- (b) to manage its own affairs in matters of religion;
- (c) to own and acquire movable and immovable property; and
- (d) to administer such property in accordance with law.

Cultural and Educational Rights

29. (1) Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.

(2) No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.

30. (1) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.

Right to Property

31. (1) No person shall be deprived of his property save by authority of law.

Right to Constitutional Remedies

32. (1) The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed.

(2) The Supreme Court shall have power to issue directions or orders or writs, including writs in the nature of *habeas corpus*, *mandamus*, prohibition, *quo warranto* and *certiorari*, whichever may be appropriate, for the enforcement of any of the rights conferred by this Part.

34. Notwithstanding anything in the foregoing provisions of this Part, Parliament may by law indemnify any person in the service of the Union or of a State or any other person in respect of any act done by him in connection with the maintenance or restoration of order in any area within the territory of India where martial law was in force or validate any sentence passed, punishment inflicted, forfeiture ordered or other act done under martial law in such area.

PART IV

DIRECTIVE PRINCIPLES OF STATE POLICY

38. The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life.

39. The State shall, in particular, direct its policy towards securing—

- (a) that the citizens, men and women equally, have the right to an adequate means of livelihood ;
- (b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good ;
- (c) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment ;

- (d) that there is equal pay for equal work for both men and women ;
- (e) that the health and strength of workers men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength ;
- (f) that childhood and youth are protected against exploitation and against moral and material abandonment.

40. The State shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.

41. The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.

42. The State shall make provision for securing just and humane conditions of work and for maternity relief.

43. The State shall endeavour to secure, by suitable legislation or economic organisation or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities and, in particular, the State shall endeavour to promote cottage industries on an individual or co-operative basis in rural areas.

44. The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India.

45. The State shall endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years.

46. The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.

47. The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health.

48. The State shall endeavour to organise agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds, and prohibiting the slaughter, of cows and calves and other milch and draught cattle.

49. It shall be the obligation of the State to protect every monument

PART IVA

FUNDAMENTAL DUTIES

51A. Fundamental duties.—It shall be the duty of every citizen of India—

- (a) to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;
- (b) to cherish and follow the noble ideals which inspired our national struggle for freedom;
- (c) to uphold and protect the sovereignty, unity and integrity of India;
- (d) to defend the country and render national service when called upon to do so;
- (e) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;
- (f) to value and preserve the rich heritage of our composite culture;
- (g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;

- (h) to develop the scientific temper, humanism and the spirit of inquiry and reform;
- (i) to safeguard public property and to abjure violence;
- (j) to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement.

Part XV.—Elections.—Arts. 326—329.

326. Elections to the House of the People and to the Legislative Assemblies of States to be on the basis of adult suffrage.—The elections to the House of the People and to the Legislative Assembly of every State shall be on the basis of adult suffrage; that is to say, every person who is a citizen of India and who is not less than twenty-one years of age on such date as may be fixed in that behalf by or under any law made by the appropriate Legislature and is not otherwise disqualified under this Constitution or any law made by the appropriate Legislature on the ground of non-residence, unsoundness of mind, crime or corrupt or illegal practice, shall be entitled to be registered as a voter at any such election.

PART XVI

**SPECIAL PROVISIONS RELATING TO
CERTAIN CLASSES**

330. (1) Seats shall be reserved in the House of the People for—

- (a) the Scheduled Castes;
- (b) the Scheduled Tribes except the Scheduled Tribes in the tribal areas of Assam; and
- (c) the Scheduled Tribes in the autonomous districts of Assam.

(2) The number of seats reserved in any State or Union territory for the Scheduled Castes or the Scheduled Tribes under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats allotted to that State or Union territory in the House of the People as the population of the Scheduled Castes in the State or Union territory or of the Scheduled Tribes in the State or Union territory or part of the State or Union territory, as the case may be, in respect of which seats are so reserved, bears to the total population of the State or Union territory.

331. Notwithstanding anything in article 81, the President may, if he is of opinion that the Anglo-Indian community is not adequately represented in

the House of the People, nominate not more than two members of that community to the House of the People.

332. (1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes, except the Scheduled Tribes in the tribal areas of Assam, in the Legislative Assembly of every State

333. Notwithstanding anything in article 170, the Governor of a State may, if he is of opinion that the Anglo-Indian community needs representation in the Legislative Assembly of the State and is not adequately represented therein, nominate such number of members of the community to the Assembly as he considers appropriate.

335. The claims of the members of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a State.

336. (1) During the first two years after the commencement of this Constitution, appointments of members of the Anglo-Indian community to posts in the railway, customs, postal and telegraph services of the Union shall be made on the same basis as immediately before the fifteenth day of August, 1947.

During every succeeding period of two years, the number of posts reserved for the members of the said community in the said services shall, as nearly as possible, be less by ten per cent. than the numbers so reserved during the immediately preceding period of two years:

Provided that at the end of ten years from the commencement of this Constitution all such reservations shall cease.

(2) Nothing in clause (1) shall bar the appointment of members of the Anglo-Indian community to posts other than, or in addition to, those reserved for the community under that clause if such members are found qualified for appointment on merit as compared with the members of other communities.

337. During the first three financial years after the commencement of this Constitution, the same grants, if any, shall be made by the Union and by

each State for the benefit of the Anglo-Indian community in respect of education as were made in the financial year ending on the thirty-first day of March, 1948.

During every succeeding period of three years the grants may be less by ten per cent. than those for the immediately preceding period of three years:

Provided that at the end of ten years from the commencement of this Constitution such grants, to the extent to which they are a special concession to the Anglo-Indian community, shall cease:

Provided further that no educational institution shall be entitled to receive any grant under this article unless at least forty per cent. of the annual admissions therein are made available to members of communities other than the Anglo-Indian community.

338. (1) There shall be a Special Officer for the Scheduled Castes and Scheduled Tribes to be appointed by the President.

(2) It shall be the duty of the Special Officer to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under this Constitution and report to the President upon the working of those safeguards at such intervals as the President may direct, and the President shall cause all such reports to be laid before each House of Parliament.

(3) In this article references to the Scheduled Castes and Scheduled Tribes shall be construed as including references to such other backward classes as the President may, on receipt of the report of a Commission appointed under clause (1) of article 340, by order specify and also to the Anglo-Indian community.

340. (1) The President may by order appoint a Commission consisting of such persons as he thinks fit to investigate the conditions of socially and educationally backward classes within the territory of India and the difficulties under which they labour and to make recommendations as to the steps that should be taken by the Union or any State to remove such difficulties and to improve their condition and as to the grants that should be made for the purpose by

castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State ¹[or Union territory, as the case may be].

³342. (1) The President ³[may with respect to any State ¹[or Union territory], and where it is a State " * * ", after consultation with the Governor " * * " thereof,] by public notification⁴, specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purposes of this Constitution be deemed to be Scheduled Tribes in relation to that State ¹[or Union territory, as the case may be].

(2) Parliament may by law include in or exclude from the list of Scheduled Tribes specified in a notification issued under clause (1) any tribe or tribal community or part of or group within any tribe or tribal community, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.

READING 17

Human Rights

Article 26—All children have the right to receive free elementary education.



Indian Constitution

Article 45—Free and compulsory elementary education for all children up to the age of 14 years.

Human Rights

Article 23—All of us have the right to work and to choose a type of work we desire. We are entitled to receive equal pay for equal work.

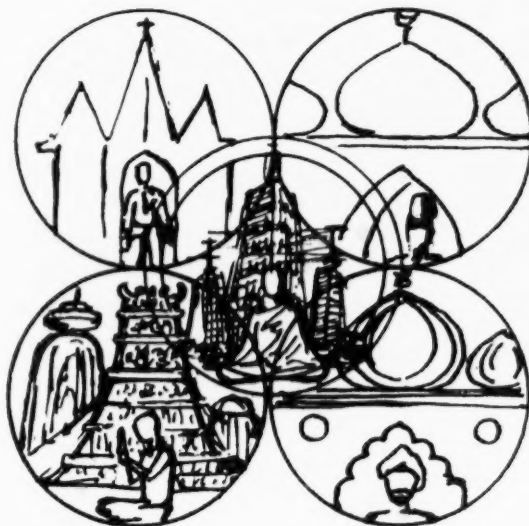


Indian Constitution

Article 39—Equal pay for equal work for both men and women. The State shall make effective provision for securing the right to work.

Human Rights

Article 18—Every human being has the right to freedom of religion.



Indian Constitution

Article 25—Freedom of worship and the right to practice and propagate religion.

Human Rights

Article 27—All of us have the right to participate freely in the cultural life of the community and to enjoy the arts.



Indian Constitution

Article 29(1)—Right to conserve one's own distinct language, script and culture.

Human Rights

Article 27—All of us have the right to participate freely in the cultural life of the community and to enjoy the arts.



Indian Constitution

Article 29(1)—Right to conserve one's own distinct language, script and culture.

Human Rights

Article 13—Every human being has the right to freedom of movement and to reside within the State.



Indian Constitution

Article 19—Freedom to move throughout India and to reside in any part of the country.

Human Rights

Article 8—All of us have the right to effective remedies against violation of our Fundamental Rights.

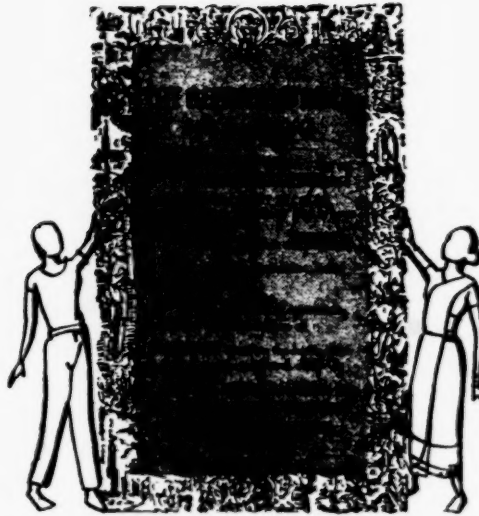


Indian Constitution

Article 32—Right to move courts for the enforcement of one's Fundamental Rights given in the Indian Constitution.

Human Rights

Article 2—Everyone is entitled to the rights and freedoms set forth in the Declaration without distinction of caste, colour, sex, language, religion, political opinion, birth or other status.



Indian Constitution

Article 14—Right to equality before the law without any discrimination on grounds of religion, caste, sex or place of birth.

Human Rights

Article 28—Everyone is entitled to a social and international order in which all Fundamental Rights can be fully realised.

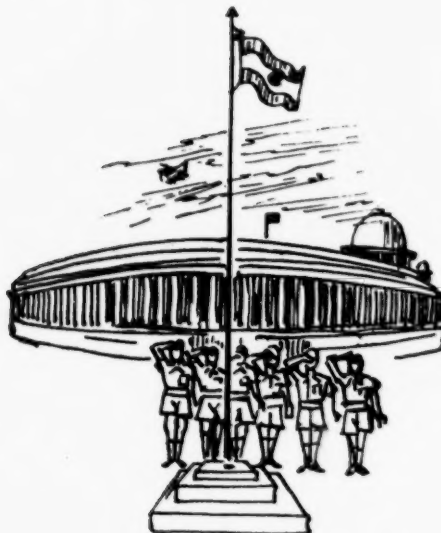


Indian Constitution

Article 15—The State shall endeavour to promote international peace and security and foster respect for international law.

Human Rights

Article 29—Everyone has duties to the community in which alone the free and full development of his personality is possible.



Indian Constitution

Article 51A—Our Constitution enumerates 10 Fundamental Duties of every citizen towards the Constitution, our National Symbols, and our National Ideals and Institutions.

READING 18

FREEDOM OF EXPRESSION

"The Government has no intention of limiting or abridging the freedom of the press."

- Mrs Indira Gandhi, May 20, 1972

"The purpose of censorship is to restore a climate of trust."

Mrs Indira Gandhi in an AIR

Broadcast on June 27, 1975

One of the freedoms guaranteed in the Constitution is the freedom of speech and expression, from which is derived the freedom of press. It should be remembered that the largest circulated dailies - which are likely to have the widest influence on the readers - are owned by big industrial houses. The adverse effect of this on news dissemination was recognized by the Congress which ruled India for 30 years, as evident from a speech by the late Jawaharlal Nehru at the All India Newspaper Editors' Conference in New Delhi on September 17, 1952, when he said: "Does the freedom of the press ultimately mean freedom of the rich man to do what he likes with his money through the press? A poor man or a man with inadequate means, whether he is good or bad, won't have much of an opportunity to express himself except in a very limited and small way". But even while recognizing this, Mr Nehru's government apparently did not do anything to allow the "poor man" to express his desires and aspirations through newspapers, as evident again from the findings of the First Press Commission which examined the news presentation in the big dailies in 1954 and concluded: "The most obvious instance of bias that has been stressed before us in evidence is that the bulk of the persons who own and publish newspapers are persons who believe strongly in the institutions of private property and who in consequence encourage the expression of views and news which favour the continuance of the present order, while discouraging contrary views and blacking out news from the other side....."

Such a bias has been evident all these years in the newspapers giving only the industrialists' point of view when covering strikes and blacking out the workers' version, or while reporting police firings, invariably carrying the police version leaving out the point of view of the victims of such firings.

After Mrs Gandhi came to power, she posed as a champion of press freedom and said: "The Government is determined to correct the present situation of concentration and monopoly in the newspaper industry..... Newspapers should not be house magazines for big business. We want the press to be an independent industry which is not subservient to other industries. We want the press to serve the people and be the voice of the people." (From her speech at a function in Calcutta on May 20, 1972). But during her long regime, she hardly lifted her little finger to delink the newspapers from the control of the industrial houses.

What she did instead, after clamping down the Emergency, was to impose full-fledged government control over the press. She imposed pre-censorship, and all news critical of her government were blacked out. Suppression of truth, propagation of falsehood, artificial creation of opinion and boycotting of inconvenient facts reached its climax during those days. She even resorted to cutting off power on the night of June 25, 1975 to prevent certain newspapers from appearing the next day to carry the news of the arrest of political opponents on the eve of the Emergency. Reports of forcible sterilization, the gunning down of protestors against such coercion in places like Muzaffarnagar, the police

firing on people who protested against the demolition of slums in Turkman gate in Delhi were prevented from appearing in the newspapers.

But while denouncing these assaults on the rights of the press, we should also remember that the Indian Constitution itself contains the germs of such aberrations. Although Section 19 (1) (a) guarantees us freedom of speech and expression, the next clause, number two puts a strong rider on the operation of the first clause by saying: "Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law, or prevent the state from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of the sovereignty and integrity of India, the security of the state, friendly relations with foreign states, public order, decency or morality or in relation to contempt of court, defamation or incitement of any offence". Thus, the government is empowered to impose censorship on the plea of a wide variety of developments. The freedom of the Indian press is therefore constantly threatened by the provisions of the Constitution itself, just as the Indian citizens' fundamental rights are rendered inoperative by constitutional provisions which curtail them.

After the takeover by the Janta party, it was expected that things would change. But the control over the press reverted back to its original owners - the industrial houses and the rich - genuine journalists hardly having any say in the day to day reporting or policies of the papers. As a result, the readers are never allowed by these newspapers to hear in time the dispute which leads to a strike or a lock-out, but the industrialists are allowed to put their version of the dispute both in the news columns as well as in the advertisement columns. During the Janta regime, when the police shot down workers of the Swadeshi Cotton Mills owned by the house of the Jaipurias in Kanpur, not a single big newspaper thought it necessary to undertake a thorough investigative reporting, to hear the other side of the story - Thus, the Indian press remains all through the various regimes, a captive of the ruling powers - whether the big industrialists or the ruling politicians - unable to reflect the genuine desires and aspirations of the common people of India.

The assault on the freedom of expression extends to literature also. The practice of banning literature, which was initiated by the British government continues today. In Andhra Pradesh while the government initiated legal procedures in 1975 against a magazine - SRJANA - for publishing a poem in support of the railway strike, in Punjab, the Akali government banned in 1978 the literature of the Nirankaris, its religious rivals. The ban imposed on Telegu poetry and short story anthologies continue to be in force eight years after their proscription.

India—1947-79: Six Parliaments and Democratic Rights. Delhi: People's Union for Civil Liberties and Democratic Rights, 1979.

READING 19

Rape Case Reversal Infuriates Indian Women's Groups

By MICHAEL T. KAUFMAN

Special to The New York Times

NEW DELHI — A nearly forgotten rape of a poor country girl eight years ago has galvanized women's groups in India as no other issue has.

What has brought the indignation of thousands of women is a decision by the

Supreme Court reversing the convictions of two policemen who raped a 16-year-old of a lower caste named Mathura.

The court declared that though the attack took place in a police station there was no sign that the girl had actively resisted the policemen, who were drunk. The court rejected the argument that police actions in a police station were coer-

cive and it took into account information that the Mathura was not a virgin.

Since the case has been brought to light by activist lawyers, marches have been held in many cities. Seminars on rape and the law are being organized, letters on rape are appearing daily in the newspapers and the courts have been directly challenged to re-examine both the case

and general attitudes toward sexual offenses.

Assaults on Women Reported

While the courts are still considering formal applications for a review of the case, the newspapers have given new prominence to reports of mass rapes in the countryside. Some half a dozen such assaults involving local policemen or dominant clans have been publicized.

The focus of the marches and the seminars being organized around the country has been rape. Some of the women's groups have been trying to extend the debate to such issues as the abolition of the dowry and what they say is a marked increase in "eve-teasing," the common term for the accosting of women, which may take the form of obscene remarks on the street or fondling on a crowded bus.

It is a criminal offense and it is said be more and more common in the Delhi area, often involving groups of middle-class college boys. Some feminists have suggested that both the rapes in the countryside and the eve-teasing in the capital are essentially reprisals by men who fear the emergence of subordinated groups, whether women or castes.

'I Was Appalled'

At the time of the Mathura case there was no public reaction; it was just an-

other rape in a remote village. Nor was there any outcry or publicity when the Supreme Court reversed the conviction two years ago. It takes a long time for court decisions to be published and distributed here, and it was not until late last year that Lotika Sarkar, a law professor at the University of New Delhi, spotted the case as she routinely read through the latest decisions to reach her.

"I was appalled," Professor Sarkar, the first woman on the law faculty, said in an interview in which she described the elements of the case that upset her. For one thing, she said, the court ignored all arguments that a sexual advance by a policeman in a police station was of itself coercive. Second, she said, the court seemingly ignored the important point that the woman made a complaint and was medically examined.

"We know that even in the West rape victims often fail to report the crimes and, here, where the prospect of social ostracism of the victim is greater, even fewer reports are made," Professor Sarkar explained. "Here the poor woman went through with the complaint."

Class and Sexist Prejudice

She said the views of many Indians toward rape showed both class and sexist prejudice. She noted that most victims were members of the poorest groups. In

these communities mass rapes are really punitive actions by regionally dominant clans or the police authorities, she said.

Professor Sarkar brought the case to the attention of three colleagues, two of them men. They debated the matter and last September wrote an open letter to the Chief Justice, Y. V. Chandrachud, asking that the case be reopened. "A case like this with its cold-blooded legalism snuffs out all aspirations for the protection of human rights of millions of Mathuras in the Indian countryside," they said.

"At first there was very little response to our letter," Professor Sarkar said, "none at all in Delhi." Then, she went on, women's groups in Calcutta, Bombay, Ahmadabad and Poona seized the issue, and the debate was increasingly brought to public attention.

While some feminists here think that the raising of the Mathura case has advanced understanding of the issue, there has been no determination on the appeal. Last week a member of the court denounced women's groups that, he said, were trying to stampede it into taking extraordinary action.

New York Times, April 20, 1980.

READING 20

INDIA'S WORKING CHILDREN

The Patriot, New Delhi, excerpted in *World Press Review*, v. 24, No. 12, Dec. 1977.

PRABHU CHAWLA

Lottery lo ge saab?

Bookh lagi hal babaki, boot polish kara lo!

The shouts of children plying their trades form part of the everyday backdrop in India, where more than 11 million children under age fourteen work for a living. Some are orphans. Others are sent out to supplement their parents' meager income. Still others act as junior partners in such things as bootlegging, pickpocketing, pimping, and black marketeering, while an unlucky few are the slave-children of kidnappers.

It is largely a matter of economics. Among the 40 per cent of the country's population living below subsistence levels, even the small amount a child can earn can make a difference. Sending a child to school does not pay, even though working deprives him of a chance to develop his potential. The opportunities education can provide seem unattainably utopian.

In the cities the majority of the working children sell lottery tickets and news-

papers or polish shoes in the busy shopping centers. Some work as coolies at bus stands and railway stations. A large number are employed in domestic service, which has become more popular in metropolitan areas where a general income increase has occurred. In New Delhi alone more than 20,000 children, one-fourth of them girls, are working as domestics.

Of all the working children registered, 87 per cent are in rural areas—on farms, plantations, and fisheries, and in cottage industries where the old system of bonded labor still ties them to their masters. On the farms children generally help with the sowing, weeding, and harvesting. One study found that, though children may work long hours and in unhygienic conditions, their work is generally light.

Several laws outlaw child labor but exploitation continues nonetheless because the laws lack teeth and are therefore ignored. Employers falsify birth certificates and keep children in areas where they will not be seen by inspectors. And economic conditions are such that the child, if questioned, will produce fabri-

cated documents.

Some people believe that eradication of child labor is neither possible nor desirable. They say it would create unbearable suffering for many children and their families. It is further argued that if all the working children were to go to school the available facilities could not handle even one-tenth of the student population.

Given the difficulties in abolishing child labor, an alternative has been suggested of planning to minimize hardships. One proposal would allow children to work only in special classifications and impose penalties for use of children in hazardous or criminal work. Certain agencies would be empowered to guarantee safe and healthy working conditions and to help provide medical care, housing, and education.

Since a large number of working children are school dropouts, it also has been recommended that primary and middle education be reoriented toward the artisan and cottage industries. An "earn while you learn" scheme can prevent children from fleeing the schools, while providing ways for them to contribute to their families' earnings.

But finally the parents of the working children must be convinced that education is a worthwhile investment. And, with the help of the mass media, we must create an environment in which exploitation of children will not be tolerated.

READING 21 A. Elementary

Bonded Labor in India: *The Story of Arumugam*

Arumugam was only eight years old when our story began. His father was a very poor farm worker who had no land or other things of his own.

One day, Arumugam's father found himself without any money to feed his family. Since he was very poor, he had nothing to sell.

Arumugam's father went to the local landlord and asked for some money. The landlord agreed to give Arumugam's father 100 rupees (\$12.00), but only if he agreed to have Arumugam work for him until the money was repaid.

Seventeen years later Arumugam continues to work for the landlord in order to repay the money. His daily wage amounts to about 4 cents.

Recently, somebody told Arumugam that the government had legally ended his duty to repay the landlord. Bonded labor was now against the law and all debts were supposed to be forgotten. Gathering courage, Arumugam went to the landlord and asked to be freed. He also asked for more money for his work . . . 12 cents per day.

The landlord was very surprised and angry. He warned Arumugam not to ask again. He said the money Arumugam now needed to repay had risen to

500 rupees with interest.

Arumugam too was angry. He had worked so hard and so long for so very little. Since there seemed to be very little hope, Arumugam ran away from the village.

The landlord was frightened. What if other laborers followed Arumugam? How would he collect his money? How would his crops be harvested? He gave them what they had asked for. Now they must be *forced* to repay him!!

The landlord and his friends searched far and wide for Arumugam. They could not allow him to escape!

After several days, Arumugam was found in a neighboring village. He was forced to return home. Arumugam was tied to a lamp post for all to see. He was beaten and left without food and water in the hot sun for an entire day.

Arumugam cried out in pain. He promised never to run away again. He would honor his father's agreement and work for the landlord until the money was repaid.

The landlord then ordered Arumugam untied. He announced to all that Arumugam's daily wage would now only be 3 cents per day.

Since then Arumugam has been silent. He has given up the struggle. His life is to serve the landlord.

READING 21 B. Secondary

When Arumugam was eight years old, his father, a landless laborer, mortgaged him to the local landlord in order to borrow 100 rupees (\$12). Seventeen years later he was still a bonded worker. His daily wage amounted to 37 paise (four cents); in the peak season he worked from 5 a.m. to 9 p.m. Somebody told him one day that the government had abolished bonded labor and cancelled rural debts. Gathering courage, he went to his master and asked to be freed from his bond. He also demanded a wage increase to one rupee (12 cents) per day. The landlord was astounded. He warned Arumugam not to repeat such insolence, and said the debt had in fact risen to 500 rupees with interest.

Arumugam ran away from the village. This posed a serious challenge to the landlord's authority. If such defiance was not dealt with immediately, other bonded laborers might follow suit. So the master launched a major man-hunt, and his cohorts captured Arumugam at a neighboring village. Arumugam was tied to a lamp post, beaten severely, and left without food or water in the scorching sun for a whole day. He begged for mercy, promising never to misbehave again. His master untied him, informing him that as a penalty his daily wage would now be reduced to 30 paise (three cents). Since then Arumugam has been mute. He has given up the struggle.

Arumugam's story is only one of many in a report on bonded labor prepared by the Gandhi Peace Foundation and India's National Labor Institute. The report estimates that there are 2.7 million bonded workers in India. As many as 52% of these workers have become bonded in the past three years, a devastating comment on the growing pauperization of the rural masses. The small farmer has been mortgaging his land and losing it, becoming a landless laborer, borrowing money which he cannot repay, and ending up as a debt slave. There are cases where unborn

children have been mortgaged by their parents. Entire castes in some villages are tied in perpetual serfdom to their masters. Girls are sometimes sold to brothels.

The report says that 84.3% of all bonded laborers are untouchables and tribals, occupying the lowest run of the social ladder. The sums they borrow are almost always small - in 41.3% of cases it is less than 300 rupees (\$37). In some states, such as Bihar, money-lenders charge usurious rates of interest, but in most cases interest is irrelevant; the bonded worker has little chance of repaying the principal.

No villager needs to be warned about falling into the clutches of a money-lender. But half of the serfs interviewed had no option; they needed to borrow money to keep body and soul together. As many as 33.6%, however, had taken loans to meet social obligations like celebrating a daughter's wedding.

Legislation against bonded labor has had little impact. Some political activists, notably the communists, have been urging bonded laborers to stand up for their rights, but few have the courage to defy the established social order. The government has launched a scheme to rehabilitate bonded laborers, but this will benefit no more than 6,000 of them this year.

The problem cannot be solved unless there is a big increase in rural employment opportunities and wages. The fact is that many landless laborers are actually worse off than bonded workers, who at least are free from the fear of imminent starvation. Not all workers regard their bondage as a form of exploitation; some of those interviewed felt they had struck an honorable bargain with the money-lender and were duty-bound to stick to it, whatever the law might say. This is why the report opens with an old saying from the rural south:

"One who lends money is a Savior."

Bonded Labor in India

READING 22 A. Elementary

The Little World of Ramu

I.

Ramu is a washerman who is about 45 years old. Ramu is very thin and frail. He looks much older than he really is, . . . and acts very tired as he goes about his work.

As a washerman, Ramu must earn enough money to support his large family consisting of a wife, his children, his widowed sister and her children. He has been serving our family for more than ten years now.

Although Ramu's customers live all over the city, he tries to keep his word and be prompt with his deliveries. To reach our house, he must ride his bicycle for more than 2½ miles.

Ramu also has other problems. The cost of soap and washing soda is rising. Fewer people need his services since they wear easy to care for "wash and wear" clothing.

Without many people demanding his services, Ramu is not able to raise his prices. Instead, he must live mainly by cutting his own needs. He must learn to live on less and less.

I have wondered about Ramu's understanding of words like democracy, freedom, and government. One thing for sure, the meaning we have for those words is not shared by him.

Ramu has no time to know freedom. All he knows is that he has to work very hard all the time to earn a very, very small living.

II.

A couple of days before the elections Ramu came to my house on his usual round of collecting and delivering laundry.

"Ramu, to whom will you give your vote?" I asked. "Arre Sahib," he said, "when the time comes I will vote for that person to whom my god directs me."

"Ramu, have you received any money for your vote?" I asked. "Sahib," Ramu replied, "I did not get much." So saying, he got up and rode off on his bicycle.

Ramu did not understand the issues involved in that or in any previous election. But he knows that his vote has some value. He knows that he has the right to use it, and that he can trade it for money.

III.

Ramu works very, very hard. He spends long hours at his job as a washerman. Yet he remains totally dependent on his customers or so he is made to think.

If Ramu wished to obtain a fair wage for his work, the first thing he would have to do would be to demand better wages from his customers. If he did this, he would probably lose much of his remaining business. Having his freedom but no customers, no money, and no food would be of little help to him!

The caste leaders in Ramu's community are also there to make sure that Ramu continues to do his work and does not try to change. Unable to read and write, Ramu has little hope for finding new work. All he knows and all that is required of him by his people is the work of a washerman.

READING 22 B. Secondary

Ramu is a washerman, aged about forty-five, but he looks much older. He has a large family which includes his widowed sister and her children. Sickness and other miseries associated with poverty are Ramu's daily wont. In spite of all this he tries to keep his word and is prompt in delivering the laundry.

His customers are distributed all over Mysore City. To reach our house, he bicycles about 2.5 miles. He has been serving us for more than ten years, and I observe with dismay his progressively deteriorating condition.

The cost of soap and washing soda has risen steeply but not his washing prices, which depend on bargaining with people who more and more wear synthetic fabric clothing. Many former customers have dispensed with the services of washermen. It seems incredible that he and his family survive.

He is able to live mainly by cutting his needs to a minimum and by taking advances and loans. These bind him to

THE LITTLE WORLD OF RAMU.

his traditional profession, as does the caste organization of washermen, which allows no deviation from caste norms.

Many Government measures to assist the poorer segments of society, though announced by the mass media, do not affect Ramu. Though his children go to school, he is illiterate.

In 1975, when the Emergency was proclaimed, I asked Ramu whether he had heard about it. He showed complete ignorance. I have wondered about his understanding of words like democracy, freedom, government, and authoritarian rule. Surely the meaning we middle-class intellectuals attach to these words is not shared by him.

Ramu has no time to know freedom. All he knows is that he has to work very hard incessantly to earn a bare living. He also knows that once he borrows money he becomes "bonded." To repay his debt he must work even harder.

When politicians talk of freedom they try to mobilize support. Yet, however illusory the democracy and freedom

P. K. Misra

tasted by the middle class, the working class, on whose foundation the whole structure is built, has never known even a glimmer of what these terms connote.

A couple of days before the historic March, 1977, elections Ramu came to my house on his usual round of collecting and delivering laundry. "Ramu, to whom will you give your vote?" I asked. "Arre Sahib," he said, "when the time comes I will vote for that person to whom my god directs me."

"Ramu, have you received any money from any election agent?" I inquired. "Sahib," Ramu finally replied, "I did not get much." So saying, he got up and rode off on his bicycle.

Ramu did not understand the issues involved in that or in any previous election. But he knows that his vote has some value, that he has the right to use it, and that he can trade it for money.

Ramu was born a washerman, as were his father and all his relatives. As a member of this subcaste, he has its norms and taboos instilled in him. In my

house whenever I offer him a chair he insists upon squatting on the floor. Whenever I offer him food he hesitates to accept it in our vessels.

Though he works hard and earns his livelihood through the sweat of his brow, Ramu lives on the grace of his patrons, or so he has been made to think. If he wished to establish equality, the first thing he would have to do would be to confront his immediate employers, which he cannot risk.

The caste *panchayat* leaders rigidly enforce Ramu's caste discipline. Their authority is bolstered at election time when they become spokesmen for their communities and receive personal benefits in return for services rendered to the so-called political leaders.

Ramu has witnessed dramatic changes in the status of many clients. He cannot hope to do business with new establishments or people of high status,

for they are served by elegant laundries or washing machines in their houses.

Whenever I ask Ramu about any of the nation's new economic programs he responds with a hearty laugh, raises his hands, and looks toward the sky. Then he becomes serious, shrugs his shoulders, and returns to work. ■

Sunday Standard, Bombay, excerpted in *World Press Review*, v. 25, No. 6, June 1978.

READING 23

THE ORIGIN AND FUNCTIONS OF CASTES

But in order to protect this universe He, the most resplendent one, assigned separate duties and occupations to those who sprang from his mouth, arms, thighs, and feet.

To Brāhmanas he assigned teaching and studying the Veda, sacrificing for their own benefit and for others, giving and accepting of alms.

The Kshatriya he commanded to protect the people, to bestow gifts, to offer sacrifices, to study the Veda, and to abstain from attaching himself to sensual pleasures;

The Vaisya to tend cattle, to bestow gifts, to offer sacrifices, to study the Veda, to trade, to lend money, and to cultivate land.

One occupation only the lord prescribed to the Sūdra, to serve meekly even these other three castes.

Man is stated to be purer above the navel than below; hence the Self-existent has declared the purest part of him to be his mouth.

As the Brāhmana sprang from Brahman's mouth, as he was the first-born, and as he possesses the Veda, he is by right the lord of this whole creation. . . .

The seniority of Brāhmanas is from sacred knowledge, that of Kshatriyas from valour, that of Vaisyas from wealth in grain and other goods, but that of Sūdras alone from age. . . .

A Brāhmana should always fear homage as if it were poison; and constantly desire to suffer scorn as he would long for nectar. . . .

Having dwelt with a teacher during the fourth part of a man's life, a Brāhmana shall live during the second quarter of his existence in his house, after he has wedded a wife.

A Brāhmana must seek a means of subsistence which either causes no, or at least little pain to others, and live by that except in times of distress.

For the purpose of gaining bare subsistence, let him accumulate property by following those irreproachable occupations which are prescribed for his caste, without unduly fatiguing his body. . . .

Let him never, for the sake of subsistence, follow the ways of the world; let him live the pure, straightforward, honest life of a Brāhmana. . . .

Teaching, studying, sacrificing for himself, sacrificing for others, making gifts and receiving them are the six acts prescribed for a Brāhmana.

But among the six acts ordained for him three are his means of subsistence, viz., sacrificing for others, teaching and accepting gifts from pure men.

Passing from the Brāhmana to the Kshatriya, three acts incumbent on the former are forbidden, viz. teaching, sacrificing for others, and, thirdly, the acceptance of gifts.

The same are likewise forbidden to a Vaisya, that is a settled rule; for Manu, the lord of creatures, has not prescribed them for men of those two castes.

To carry arms for striking and for throwing is prescribed for Kshatriyas as a means of subsistence; to trade, to rear cattle, and agriculture for Vaisyas; but their duties are liberality, the study of the Veda, and the performance of sacrifices.

G. Buehler, tr. *The Laws of Manu*, in *Sacred Books of the East*. Delhi: Motilal, 1969. These "Laws" were compiled between 100 and 200 A.D. in India.



Indian Express

READING 24

EXTRAORDINARY ACTS, LAWS AND REGULATIONS

"No one shall be subjected to arbitrary arrest, detention or exile."

Article 9,
Universal Declaration of Human
Rights 1948.

"No person (including a foreigner) detained under this act shall have any right to personal liberty by virtue of natural law or common law, if any."

- Section 18, Maintenance of
Internal Security Act (1971)

India has the singular achievement of providing fundamental rights for its citizens as well as for constitutional acts which make these virtually inoperative. The Constitution of 1950 gives to the citizens of India civil and democratic rights, but the very same constitution provides for their infringement through measures like Emergency, Preventive Detention Act, MISA, etc.

For the maintenance of ordinary law and order, the existing measures are quite sufficient,

These give the government and various other authorities far and wide power to combat activities ranging from smuggling, black marketing to petty robberies. They are also sufficient in dealing with situations like riots and conflicts. As a consequence it is pertinent to doubt the government's arguments in enacting Preventive Detention Act or imposing internal emergency. Not only are the existing laws sufficient to maintain law and order, it is also wrong to infer that new laws would be more effective means to maintain peace. On the contrary, these wide ranging measures have been used diligently and consistently against all those who question the government, be it a party or an individual. It has been used against the workers on strike or against peasants and Harijans fighting for economic rights and social justice.

The following list traces the history of curbs on our fundamental rights:

1. In 1947, immediately after Independence, the West Bengal government introduced the West Bengal Security Bill, which allowed the state to detain anyone without trial.
2. The Preventive Detention Act was introduced in 1950.
3. The Constitution of 1950 lists various conditions under which democratic rights of the citizens can be frozen, and internal emergency and emergency during external threats can be introduced.
4. The Defence of India Rules was imposed in 1962 in the wake of India's war with China. (The Rules were withdrawn in 1977).

5. The Preventive Detection Act of 1950 expired in 1969. Between 1969 and 1971 there were no such laws - the only period in our long history without any preventive detention law - and that too because the then Prime Minister lacked an absolute majority in parliament to introduce such a bill.

6. The West Bengal government introduced the Prevention of Violent Activities Act in 1970.

7. MISA was introduced all over India in 1971.

8. During the Emergency, MISA was placed in the 9th Schedule of the Constitution which makes it beyond the purview of law.

9. Preventive Detention Acts were imposed in different states after the withdrawal of the proposed Code of Criminal Procedure (Amendment) Act, 1977, by the Janata government at the Centre. As a result, in Jammu and Kashmir, Madhya Pradesh, Bihar and Andhra Pradesh, Preventive Detention Acts were enacted by the state governments ruled by different political parties.

10. Special acts like Andhra Pradesh Suppression of Disturbances Act (Act No. III of 1948), Armed Forces (Special Power) Regulations of 1958, the Nagaland Security Regulation of 1962, the Assam Maintenance of Public Order Act of 1953. Under these acts any executive authority can declare an area 'disturbed' and subject the population to checks and curbs which even inhibit their daily existence. What is more alarming is that they do not require any legislative sanction for their executing decisions. Thus, the Andhra Pradesh Suppression of Disturbances Act gives powers to even a sub-inspector to open fire without warning "upon persons found carrying weapons or things capable of being used as weapons" (Article 5). Further, "no prosecution, suit or other legal proceedings shall be instituted, except with the previous sanction of the provincial government, against any persons in respect of anything done or purporting to be done in exercise of the powers conferred by section 5. The Nagaland Security Regulations (1962) gives the power to the authorities to force "all residents or any class of residents" to be "removed from the said area to any other area specified by the governor and remain in that area for such period as may be specified by him." (SA (1)(a))

11. The Preventive Detention Ordinance was passed by the Lok Dal government in 1979, as late as October 15, 1979

At the time of introduction, most of these acts claimed that they were meant for anti-social elements and external enemies. But in practice, they have been directed against the political opponents of the government. In 1947, in West Bengal, the West Bengal Security Bill was introduced to contain communal riots, but it was used against the peasants of the Tebhaga movement. Similarly, the Preventive Detention Act of 1950 was used against political dissenters all over India. In 1962, the Defence of India Rules, which were ostensibly imposed in view of the Sino-Indian war, were used against Leftists inside India. In 1971, MISA was introduced by Parliament, ostensibly again in view of the situation in the then East Pakistan and the threat posed from there, but was used in fact against people who were suspected of being Naxalites. Later, MISA was used during the Emergency, against the very Opposition which

supported the Act at the time of its introduction. At least 60,000 people from all walks of life, belonging to different political shades were arrested between 1975 and 1977 under MISA. The present laws which were ostensibly introduced to prevent black marketing are used against striking engineers in Uttar Pradesh.

The consistency with which preventive detention laws and extraordinary regulations are used against political dissenters brings out the fact that ambiguities in the Constitution and the consequent laws have become a weapon in the hands of the ruling political parties to scuttle the democratic rights of the people. The ambiguity in the Constitution is brought out strikingly by the internal Emergency during Indira Gandhi's rule when the assault on democratic rights could be legitimized by the very Constitution which was supposed to protect those democratic rights.

Delhi State People's Union for Civil Liberties

READING 25

Toll Climbs to 130 in Indian City as Communal Fighting Continues

NEW DELHI, Aug. 16 — New arson attacks, sniper fire and stabbings were reported overnight in the northern city of Moradabad as communal rioting continued in several widely separated Indian cities.

Just how incendiary the situation is can be seen and felt near the Jama Masjid Mosque in Old Delhi, where policemen and army units were quickly deployed yesterday to stop looting, arson and shooting that flared shortly after inde-

pendence day observances were held at the old Mughal Fortress that looms over the sprawl of alleyways and lanes.

In normal times these ancient passages are alive with Moslems and Hindus living and working side by side. Yesterday tension was polarizing the neighborhood into religious camps and the streets were empty today except for security forces maintaining a cordon.

According to the police the trouble broke out when militant Hindu and Moslem youths confronted each other during flag-raising ceremonies.

Hindus who tried to raise the Indian flag on one street were encircled by Moslems carrying a black flag and wearing black armbands in sympathy for those they claimed had been murdered in Moradabad.

Bricks were thrown and shots rang out from rooftops. Mobs raced through the narrow lanes. Two people were killed, a rickshaw puller and a 6-year-old girl who had been flying a kite from a roof garden. Both had been shot. The offices of two Hindu doctors in Moslem street were set on fire.

Excerpted from *New York Times*, Aug. 16, 1980.

READING 26

The Seventh Indian

Arjan Ghosh

*'If you were to live
the life we live . . .
We: kicked and spat at for
our piece of bread
You: fetch fulfilment and
name of the Lord
We: down-gutter degraders
of our heritage
You: its sole repository
descendants of the sage.
We: never have a paisa to
scratch our arse
You: the golden cup of
offerings in your bank
Your bodies flame in sandalwood
Ours you shovel under half-turned
sand
Wouldn't the world change
and fast
If you were forced to live
at last
this life that's all we've
always had.'*

Arun Kamble: 'The Way We Live'
from *Times Weekly*, Nov. 25, 1973

PRESENTLY in India, every seventh person is a *dalit* (meaning scheduled caste and here preferred to the word Harijan which has certain connotations not favoured by some untouchables themselves).

Drinking tea is an every day occurrence even for a *dalit* labourer and since it necessitates interaction with caste-Hindus, discreet distance has to be maintained. The 'we-they' boundary echoed in Kamble's poem has not only to be maintained but reinforced with abuses showered on the *dalit* as we find in the case of

Muli — a Bauri day labourer in the rural outskirts of Bhubaneswar. Or take for instance Thorat's case. While playing with other children he accidentally touches the village well. Since he is a Mahar by caste it elicits a slap from the son of the village *patil*. The same story is repeated in the case of a young *dalit* in a village in Dhulia district of Maharashtra. He had happened to climb the wall which surrounded the well and peeped at the water. 'The farmer came up and slapped me because I was untouchable'

'One day my grandfather's brother with whom we were staying, took me with him. I saw him begging and accepting what was given and I saw that I belonged to some different kind of community and that all were very, very poor. I asked my grandfather's brother why he begged. "In Bombay," I said "we never begged". And he said, "This is our profession, we have to do it".'

'When I came back here (from England—A.G.) I found it difficult to rent a house. For the first few months I stayed in a hostel while looking for a house for myself. Everywhere they would ask my caste when I was renting. I wouldn't be able to get a place. Then I learned that a doctor in Bangalore had a house here. I went to see him and offered 60 rupees rent for a house that normally gets only 45 rupees. He wrote out a letter of agreement, it was all ready, and then he asked me if I was a Lingayat. I said true

to my conscience, no, I was scheduled caste. Then he said he would not rent to me, that he could not overlook the wishes of his friends and family'. And this was a doctor, educated in England.

take the case of Daya Powar, a well-known *dalit* writer, living in a building where according to him most of his neighbours are middle-class, bourgeois people. His wife finds out to her chagrin that the Diwali sweets sent by her to her high caste neighbours are unacceptable. They are polluted!

Reporting five years after the Kilvenmani incident where 42 *dalits* were burnt alive on Christmas Day, 1968, Mythili Shivaraman quoted from the judgement: 'there was something astonishing about the fact that all the 23 persons implicated in the case should be *mirasdars*. Most of them were rich men owning vast extents of lands and Gopala Krishna Naidu (the first accused) possessed a car...it was difficult to believe they would walk bodily to the scene and set fire to the houses.'⁹ All the 23 accused were acquitted by the Madras High Court. On the other hand, Rathinam, a *dalit* whose entire family had been killed in the fire, said: 'what can we do if the judges do not want to believe us? We saw Naidu's "pleasure" parked in our street and Naidu standing near it and shooting away at us. And so many of us told the judges so. Still they don't want to believe us... What's the point in asking what we

think of the judgement? What's there to think? The landlords have their friends and relatives everywhere in the court, among the police and in the government. Will they ever believe us?¹⁰

The phenomenon of *passing* embodies this experience of marginality. *Passing* is an attempt on the part of a *dalit* to conceal his caste identity or to falsify it if necessary to gain acceptance or at least to avoid rejection.¹² For most socially mobile *dalits* it is a common experience. In order to enter a hostel, acquire education or socialise among peers,

often one's own caste identity has to be concealed. Yet there remains a conflict here: between the conflicting demands of his secular profession and personal needs. He cannot completely detach himself from his caste mates nor can he interact entirely on an impersonal basis.

So where lies the individual *dalit's* future? Is he to forge a new identity for himself based upon his new found class position overstepping caste boundaries? Or is he to retain his original caste identity while striving to better himself? There are no simple answers to these complex questions. From Thorat's autobio-

graphical piece,¹² we find some indications. It is through a social movement that the new relations of an individual with his society is evolved. For the Mahars in Maharashtra during 1955-56, this role was played by the Neo-Buddhist movement led by Dr. Ambedkar. It also changed their self-perception as Thorat recounts. Instead of living for others they began to live for themselves, thereby slowly dismantling the barriers to individual self-respect. This enabled them to relate to other caste-Hindus in a different way. The process required collective action and an alternative ideology.

Seminar, No. 243, Nov. 1979.

READING 27

Farm Workers Main Victims of Bondage New Delhi

Express News Service

NEW DELHI, Oct. 1.

Sukan Bhuiya is a 50-year-old Harijan from Chatti village in Daltongunj, Bihar. Thirty years ago, on his marriage, he took two maunds of paddy and a pair of dhotis from his landlord, Raghunath Tiwari. Since he has neither land nor income barring what the landlord gives him, Sukan has never been able to repay the original loan. Until he does, he and his successors will remain bonded labour.

Sukan reports for work at the crack of dawn, and carries on right through the day without a break. At sunset he returns to the landlord and is given a meal of 250 grams of pounded pulses (*sattu*) besides 450 grams of uncooked grain. That is his entire wage.

Shayama Ohamarj a Harijan from the nearby Hariharganj block, borrowed Rs 40 and shortly afterwards Rs 60 from Kariman Singh, a Rajput. Shayama Chamar got bonded for the original loan of Rs 40, and laboured for 14 years. Then his son Basudeo took his place in the bondage contract for the remaining sum. In addition, Basudeo's 15-year-old son has been grazing cattle for the Rajput for several years against the same debt.

Basudeo explained that he worked 12 hours every day during the peak season. When the workload was less it was 10 hours. Total daily wages were a bowl of gruel made from about 250 grams of grain, and a little less than two kilograms of uncooked grain.

One of the interesting findings thrown up by a study of bonded labour in Palamau Bihar, by Dr Sudipto Mundle of the Indian Institute of Public Administration, is that the phenomenon of debt bondage is not a continuation of ear-

lier feudal servitude. Its origins can be traced to the spread of commercial relations in agriculture.

The reasons for bondage today are the dependence of labour on landlords for credit and employment. Indebtedness cannot be avoided because all agricultural labour is at the lowest level of subsistence.

Today the returns on debt-bondage loans are the highest on Rs 50 and less. The immediate annual return is a staggering 800 per cent, going up to 600 per cent over 10 years. Fifteen per cent of Palamau's bonded labour is in this category and the average loan they took was a paltry Rs 33.83.

About 28.33 per cent are in the Rs 51 to Rs 100 category making the average loan Rs 76 or 59 kilograms of grain. The annual rate of return on the landlord's initial investment rises from 171 per cent in one year to 261 per cent in 10 years.

However, 48.33 per cent have borrowed between Rs 101 and Rs 300 with an average of Rs 178 or 136 kilograms of grain. The return in the first year is 17 per cent, rising to a muscular 107 per cent by the end of a decade.

Even though this type of investment by the landlord is highly lucrative, there is a doubt about its security. Only if the bonded labour adheres to the harsh, exploitative terms of his contract will the returns be real. What prevents a labourer from calling it quits when it is clear that he has repaid his debt many times over? In actuality, the landlord has nothing to fear.

In the hopelessly unequal balance of power in the village, says Dr Mundle's study, there is no way bonded labour can renege on a contract short of fleeing the village. The possibility and advantages of such desertion are severely limited.

Munar from Daho village in Palamau district took a loan of Rs 140 from Bhira Sao, a merchant, on his marriage. He was just 15 years old. From that day he was bonded to the Sao family. Whenever he was reluctant to do something particularly unpleasant, or arrived after sunrise, he was abused and severely beaten.

Soon he fell seriously ill and stopped going to work. Three days later his landlord came to his hut, gave him a sound thrashing and threatened to take away the family's only bullock. The landlord said he would be back.

Ten days later the landlord met him at the market and beat him till he was unconscious. Next day he returned to Munar's hut with some others, surrounded it, and forcibly occupied his only acre of land. Though Munar was formally released from bondage with the 1976 Bonded Labour System (Abolition) Act, till December 1977 the landlord still held his land.

The conditioning of these simple folk is another factor in their continued exploitation. A sense of ethics and justice prevails among the tribals and Harijans who largely make up the bonded labour force. The loans were taken at a time of extreme need, at which point only the landlord came to their rescue. However, iniquitable the conditions of the loan, it has to be honoured by the debtor.

Indian Express, Oct. 2, 1978.

READING 28

Law as an Instrument for Abolition of Bonded Labor: The Case of Rajasthan

G.B. Sharma

Trafficking in human beings, 'begar' and similar forms of forced labour have been prohibited and declared an offence punishable under Article 23 of the Indian Constitution. Notwithstanding this and several legislations enacted by State/Union Territory administrations, the institution of bonded labour continues to flourish. Referred to by different nomenclatures in different parts of the country, and affecting different communities to varying degrees, the most prominent feature of the system is that a man pledges his person or a member of his family against a loan. The pledger or his nominee is released only on its discharge. Until then, the man himself, or the member of the family, is required to work for his creditor against his daily meals. Since he gets no money, he is to depend upon someone in the family to procure the sum required for his release and this, of course, is rarely available. The relationship lasts for months and sometimes years, occasionally for an entire lifetime and not infrequently follows the male heir" (Commissioner's Report, 1971-72 & 1972-73: 216). States and Union Territories did enact legislation of one kind or the other with a view to effectuating the intents of Article 23 of the Constitution, but none of them displayed any serious enthusiasm towards their effective implementation. In fact, whereas States and Union Territories administrations, in their official statements submitted to the Commissioner for Scheduled Castes and Scheduled Tribes, year after year, persistently denied the existence of bonded labour, independent studies carried out by the Commissioner's organization, researchers, tribal research institutes and official enquiry panels repeatedly and continuously reaffirmed its existence (Commissioner's Reports 1956-57, 1959-60, 1960-61, 1961-62, 1963-63, 1964-65, 1965-66, 1966-67, 1967-68, 1969-70, 1970-71, 1971-72, 1972-73, 1973-74—Chapters on Bonded Labour; Report of the Committee on Untouchability etc. 1969: 158-60). Rajasthan being no exception, a legislation known as the Rajasthan Sagri System Abolition Act, 1961, was enacted with a view to eradicate bonded labour, but to one's utter dismay not even a single case of bonded labour was ever registered under the Act during the entire period of fifteen years for which it remained on the statute book. It was only in the wake of the 20-point programme, of which abolition of bonded labour was an integral part, that efforts were made by the State Government for effectively combating bonded labour and making the State law on the subject more stringent. With this end in view, the Rajasthan Sagri System Abolition Amendment Ordinance, 1975 was

promulgated by the Governor on September 6, 1975 which was repealed well before it could become an Act, in view of the provisions contained in section 3 of the Bonded Labour System (Abolition) Ordinance promulgated by the President of India on October 24, 1975.

Although the existence of bonded labour cannot be completely denied among scheduled castes, small farmers and other economically backward communities in State (Study Team, 1975: 125; Committee on Untouchability, 1969: 159), the problem is more acute among the scheduled tribes living in isolated hills and forests. There has been some change in their social and economic life due to improvement of communication, setting up of new administrative machinery and introduction of welfare schemes under development programmes. At the same time, with little spread of education as a group or community, these people are mostly averse to any outright change in their mode of life. There is another category of tribals who have accepted the inevitable changes and adapted themselves to innovations and are anxious to acquire more modern amenities to enjoy a better social status. Both these categories of tribals are in constant need of money to spend in their own way. But where will the money come from? Here comes into the picture the usurious moneylenders who operate on the rural backwardness and credulity of these innocent people. The more they borrow, the more they get indebted from which they have no means to absolve themselves. Indebtedness (with bonded labour as a concomitant) thus becomes a normal aspect of their existence (Commissioner's Report 1970-71: 71). The moneylenders are placed in an advantageous position vis-a-vis the Government credit agencies primarily on account of the relative flexibility and wide range of items (productive and non-productive) for which loans are advanced by them.

Indian Journal of Public Administration, v. 23, No. 3, July-Sept., 1977.

READING 29

Nothing seemed to be going right for Indira Gandhi. Since her comeback as Prime Minister last December, Hindus and Muslims have tangled in the worst riots in a decade, vital Cabinet portfolios have gone unfilled, and critics have angrily charged her with standing by helplessly while the country slid toward chaos. So last week the durable strong lady struck back. Her weapon was a draconian preventive-detention law empowering the government to jail rabble-rousers, black marketers, strikers and just about anyone else for up to a full year without a trial. It conjured up fears of a return to Gandhi's repressive "emergency" rule of 1975-77.

"It's the same black law under a new garb," said opposition leader Madhu Limaye.

Under the new law anyone "acting in a manner prejudicial" to India can be clapped in prison. Gandhi loyalists insisted there was no parallel with the 1971 Maintenance of Internal Security Act, which Gandhi used to jail about 100,000 political opponents. This time, the government said, there would be safeguards against abuse: detainees must be told within five days why they are being held; a three-member judicial panel will review all cases. In a second order issued 24 hours later, the government also granted district magistrates power to prosecute anyone charged with stirring up communal ill will and tightened up bail procedures. The government said it needed the powers to combat "communal disharmony, caste conflicts, social tensions and elements who pose a grave challenge to the lawful authority and sometimes even hold the society to ransom."

There are certainly serious problems. About 400 battles between Hindus and Muslims, among students and ailing castes have left over 1,000 dead. Pro-Pakistan secessionists are active in Kashmir. The northeastern state of Assam, which supplies much of the country's oil, has shut off its pipeline. Wholesale prices have risen 27.3 per cent this year while industrial production has slipped 5 per cent. And sugar has disappeared from the shelves—hidden by merchants until prices rise. So some Indians applauded Gandhi's move. The *Hindustan Times* praised her for a "decisive step" toward "a strong government."

Drift: Critics replied that the beleaguered Prime Minister already had enough power to deal with the problems, but was unwilling—or unable—to use it. Since the death of her son Sanjay in a plane crash last June, Gandhi has seemed to drift. Even her supporters admit she has been indecisive, and some have wondered if she has

lost her will to govern. Top positions in government and on the country's eighteen high courts have been left vacant. There are no full-time ministers for defense, industry, labor, health and family welfare and other key portfolios. And Gandhi functionaries have meddled with the police and the bureaucracy. Sniped *The Statesman*. "It is more than likely that Mrs. Gandhi's government will soon realize that extraordinary powers are not substitutes for constructive action."

The new decree may be a signal that Gandhi intends to pull her government together. Part of the problem is that Sanjay purged many seasoned operatives from the government, then died before replacing them with new hands. Until Gandhi regains the will to rebuild she is likely to lurch from crisis to crisis. In the meantime, the most intriguing question is whether she will use the new laws to alleviate India's problems—or simply to silence her opponents.

Newsweek, Oct. 6, 1980.

READING 30

Everywhere in Chains

Inspired by an idealistic faith in the sanctity of human rights, Amnesty International—which was awarded the Nobel peace prize in 1977—tends sometimes to forget that the needs of an orderly society demands certain curbs on individual liberty. Rousseau's dictum that "man was born free, and everywhere he is in chains" is more a statement of unavoidable practical reality than an invitation to remove all restraint. The distinction deserves to be remembered in view of the organization's last report on Amnesty International's mission to India last year which has just been published. It can be no one's case that the private Indian without means or influence is assured of just treatment at the hands of officialdom or before the law; but to call for unconditional repeal of preventive detention legislation suggests a certain lack of familiarity with social and political conditions as they obtain in this country. This is by no means to uphold the Criminal Procedure Code (Amendment) Bill which not only flouted the Janata Party's election pledges but also sought to retain Mrs. Gandhi's Emergency provisions under another name But the crux of the matter, which has not sufficiently been appreciated by Amnesty International, is that the law as it stands is not itself repugnant. What is scandalous is the manner in which the law is manipulated and its loopholes exploited to suit the convenience of our rulers. All governments need certain reserve powers to be used in times of crises against enemies from abroad or saboteurs at home; but as Mrs. Gandhi demonstrated, such authority is abused in India to serve immediate political ends.

A change of ruling party does not make too much difference to this social condition which flows out of economic disparities and owes much to the power exercised by the police and civil service. Some awareness of this built-in drawback is evident in Amnesty International's complaint that there is "general pattern of police intimidation of suspects following arrest and that there is reason to believe that the incidence of severe ill-treatment during interrogation has not been wholly eliminated." Amnesty International also quite rightly implies scepticism about the official claim that prison deaths occur during armed encounters or while prisoners are trying to escape. These charges are as valid as those relating to ineffective legal safeguards, harsh interrogation methods and bestial jail conditions New Delhi's ratification of the two international human rights covenants and the optional protocol to the covenant on civil and political rights might further convince the world that the Janata Party's commitment to freedom remains undiluted. But far more affluent and advanced societies than ours would find it difficult to bring prison conditions into line with United Nations regulations or to vest authority in "effective, non-official visitors boards." Even if attempted in this country, such reforms would serve only a decorative purpose until the underlying individual and collective relationships of Indian society are drastically revised.

Statesman, Delhi, v. 126, No. 2797, Jan. 13, 1979.

READING 31

Preventive Detention—Old Poison in a New Bottle

The decision of the Janata Government to repeal MISA but at the same time pass another Preventive Detention law has rightly aroused a great deal of resentment and indignation throughout the country. No doubt the Janata does deserve to be severely condemned for this decision, after it had promised less than a year ago to do away with "all unjust laws." But few people seem to realize that the "original sin" vis-a-vis preventive detention was committed by our founding fathers themselves, by allowing provisions for it to be incorporated into the Constitution. The basic fault lies with the Constitution, and it will be a rare government, now or in the future, which will resist the temptation to use the powers entrusted to it under Article 22.

Section 1 of Article 22 of the Constitution guarantees to every detenu the right to be informed about the grounds for his arrest and to be allowed to "consult and be defended by a legal practitioner of his choice." Section 2 says moreover that he must be produced before a Magistrate within 24 hours of his arrest. So far, so good. But Section 3 of the same article removes both these guarantees by stating that "the above mentioned clauses" (i.e., Sections 1 and 2) shall not apply to anyone who is an "enemy alien" or who is "detained under any law providing for preventive detention."

That is not all. Section 4 specifies that preventive detention shall not continue for over three months unless an Advisory Board, after reviewing the case, permits it. Section 5 lays down that the grounds for such detention must be disclosed to the detenu "as soon as may be." But amazingly, Section 6 contradicts whatever safeguards Section 4 and 5 provide, by stating that the authority ordering detention need not "disclose facts as such authority considers to be versus the public interest to disclose."

Why then is such a hullabaloo being made about preventive detention now? We ought to have protested in 1950, when the first preventive act was passed! The reason: the Emergency. The Emergency was the first time when the draconian preventive detention law (i.e., MISA) was used against the middle class, the class that dominates the media. Earlier, only workers and leftist party cadres had borne the brunt of this law. If the Emergency taught us anything at all, it was that partisan attitudes are dangerous—if an unfair law is used against people you consider your opponents, you should still protest. For, you never know, it will be used against you tomorrow . . .

But is preventive detention necessary to deal with saboteurs, economic offenders, etc.? The government keeps insisting that it is. Does it forget the existence of Sections 41, 107, 108, 144 and 151 of the Code of

Criminal Procedure, which grants for arrest of people on suspicion alone? Section 41 even allows arrest without a warrant.

There is, however, one snag—a person arrested under the above sections must be produced before a Magistrate within 24 hours and depending on the magistrate, either released or sent into *judicial custody*. The police find this rather inconvenient for it limits opportunities for torturing prisoners to extract information . . .

Raksha. Bombay: Bulletin of the Committee for the Protection of Democratic Rights, v. 1, No. 6, Feb. 1978.

READING 32

Institutionalizing Detention without Trial

Niloufer Bhagwat

In the general elections held in March 1977 the main electoral issue was the restoration to the citizens of India of their 'civil liberties.' The Janata party which was voted to power had held out to the electorate the promise of repealing the Maintenance of Internal Security Act, 1971, the Defence of India Act, and such other laws which authorized detention without trial. The Janata party was indeed the foremost among political parties advocating the repeal of laws authorizing preventive detention.

As distinguished from the Maintenance of Internal Security Act, 1971 which was a special Act, the new bill introduced by the Janata government at the Centre on December 24, 1977, seeks to make preventive detention or detention without trial a permanent and integral part of the 'ordinary law of the land' by including a new 19-clause chapter in the Code of Criminal Procedure itself. As Chitta Basu, Forward Bloc MP, stated while opposing the introduction of the bill, "all the obnoxious provisions of the Maintenance of Internal Security Act were being retained by the new bill . . ."

In view of this composition of the constituent assembly it was not surprising that Article 22(3) of Constitution (one of the articles in the chapter on "Fundamental Rights") conferred on its citizens the right to be detained "under any law providing for preventive detention" without trial. Few people are aware that it is the Constitution of India which empowers the government to enact laws for preventive detention without trial and denies to a citizen arrested under a preventive detention law the safeguards available to a citizen arrested under the normal law by virtue of Article 22, clauses (1) and (2).

The implications of these constitutional provisions are that when a citizen is arrested under the normal laws, in accordance with Article 22, clauses (1) and

(2), he has to be informed immediately of the grounds of his arrest, has to be produced before the nearest Magistrate within a period of 24 hours of such arrest, has to be allowed to consult and be defended by a legal practitioner of his choice; he cannot also be detained for more than 24 hours without authorization by the court. However Article 22(3) specifically states that all the above safeguards do not apply to a person de-

tained under a law providing for preventive detention. This implies that a person detained under any preventive detention act is not required to be produced before a magistrate and his detention can be continued without sanction from the courts . . .

Economic and Political Weekly, Mar. 18, 1978, pp. 510-12.

READING 33

India

India has a vigorous democratic political system, an independent judiciary and a flourishing free press. Fundamental human rights are guaranteed in the Constitution, and discrimination on the grounds of religion, race, caste, sex or place of birth is prohibited.

India's Constitution mandates the promotion of the education and economic interests of the disadvantaged sections of society. These aims are reflected in economic policies which give priority to developing India's rural areas and to increasing employment opportunities.

One of the aims of government since independence has been to promote harmony among and the advancement of India's diverse peoples and castes. Through legislation and government programs the negative effects of the traditional social and economic systems have been reduced. During the past year, India has been particularly active on human rights matters in the United Nations.

1. Respect for the Integrity of the Person, Including Freedom from:

a. Torture

Torture is prohibited by the Indian Penal Code. There have been few reports of major violations of these provisions. In such cases, the state governments, which have responsibility for police administration, generally respond by instituting judicial or magisterial commissions of inquiry. The state governments use the findings of these commissions for subsequent criminal proceedings and administrative action against the officers involved.

b. Cruel, Inhuman or Degrading Treatment or Punishment

Such treatment or punishment is proscribed by law. There are occasional and probably credible press reports of harsh police treatment toward those involved or detained following demonstrations and civil disturbances. Judicial inquiries normally have been instituted in such cases by authorities at the state level, and when offenders can be identified, official action has been taken.

The Indian press, parliament and judiciary increasingly have shown concern about conditions in Indian jails. A national conference of Inspectors General of Police in April 1979 decided to: establish state-level committees to investigate prisoners' grievances; educate prisoners about their rights, provide them with legal advice and assist them in securing bail; and revise outdated jail regulations during the coming year. They also called upon the central government to allocate adequate financial support for constructing new jails and improving existing facilities.

A blue ribbon commission appointed by the Government in 1977 to review police administration recently submitted its report. It has not been made public because Parliament, before which official reports must be tabled, is not in session.

c. Arbitrary Arrest or Imprisonment

The Constitution provides that a person detained in custody must be informed of the grounds for arrest as soon as possible, and shall have the right to be represented by

ordinance, such persons must be brought before a magistrate within 24 hours of arrest and not be detained further without the magistrate's authority. No information has appeared during the past year to suggest that these provisions are not generally respected in practice.

However, the Constitution also permits preventive detention laws to "prevent threats to the public welfare and safeguard national security." It requires that these laws provide for certain limits on the length of detention and for review of such detention. A move in the Indian Parliament in 1978 by human rights activists to repeal the constitutional authorization for preventive detention laws failed, however, and there now are two national preventive detention ordinances -- the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act and the recently promulgated Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities Ordinance. The number of persons being held under the former law as of July 1, 1979 was 100. The second ordinance, promulgated in October 1979 despite opposition from some state governments, is aimed at stemming nationwide inflation by striking at suspected hoarders and profiteers. It contains a number of procedural safeguards against misuse for political purposes and provides for judicial review. Most state governments have announced they will not use the ordinance. As of October 1979, no arrests had been made under its provisions.

In addition, four states have preventive detention laws -- Andhra Pradesh, Rajasthan, Uttar Pradesh, and Jammu and Kashmir. As of December 15, 1978, there were 14 detainees in Jammu and Kashmir. No one was under detention in Uttar Pradesh as of March 1, 1979. Figures for the other two states are not available.

d. Denial of Fair Public Trial

There is no constitutional guarantee of public trial. The Criminal Procedure Code provides for open trial but also permits the judiciary to close the proceedings in part or in whole. The Official Secrets Act also permits proceedings to be closed on the pleas that publication of any evidence or statements would be prejudicial to the safety of the state. The Act requires, however, that the passing of sentence take place in public.

In India, there are effective legal procedures to assure fair trial. One problem, however, is that of "undertrials," the large number of prisoners awaiting trial, in some cases for as long as ten years. In many states, the percentage of undertrials to the jail population varies from 50 to 80 percent. In March 1979, the Indian Supreme Court ruled that speedy trial was a fundamental right of the citizen and ordered two state governments to release all undertrial prisoners who had been in jail longer than they would have been had they been tried and convicted. The Court directed five other states to furnish details of undertrials held in their prisons for more than six months. The Supreme Court's decision is expected to benefit nearly 10,000 of India's estimated 82,000 undertrials.

e. Invasion of the Home

The Criminal Procedure Code requires warrants for searches and seizures, but it also permits the police in the course of a criminal investigation to institute searches without warrant if otherwise there would be undue delay. In such a case, the officer must state in writing the grounds for making the search without a warrant and specify the object of the search. There is no indication that this provision has been abused in practice.

2. Governmental Policies Relating to the Fulfillment of Such Vital Needs as Food, Shelter, Health Care and Education:

About 46 percent of India's population, or 290 million people, live below the Government's official poverty line. A significant shift in policy orientation occurred under the Janata Party administration, in office from March 1977 to July 1979, favoring the rural sector. A policy statement issued in 1977 placed highest priority on developing India's

rural areas, where 80 percent of the population lives. This is reflected in the country's sixth annual five year plan (1978-83) which allocates well over half of all planned investment expenditures in the rural sector. These include not only agricultural development but such sectors as rural electrification, transportation, education and health. The World Bank has described the plan's principal objectives as: (i) the removal of unemployment and significant under employment; (ii) an appreciable rise in the standard of living of the poorest of the poor; and (iii) the provision of basic needs to low income groups. Among the specific goals of the plan are: a 35 percent increase in irrigated areas; higher yields per acre and a doubling of the agricultural growth rate; the creation of 49 million new jobs; increased school attendance from 69 percent to 90 percent of all children six to fourteen years; an extension of rural health workers, health centers, drinking water facilities, roads and electrification; and making 68 million more persons literate. While the newly elected government in New Delhi has not had an occasion to spell out its attitude on these points in detail, it is likely that the sixth plan will remain the basic framework of its investment and development strategy. Government programs, initiated in the past, which provide special assistance to the economically disadvantaged classes also continue. These include such affirmative actions for designated castes and tribes as the reservation of a percentage of educational admissions and public sector jobs, as well as land redistribution.

3. Respect for Civil and Political Liberties, Including:

a. Freedom of Speech, Press, Religion and Assembly

The Constitution of India guarantees freedom of speech and, by extension, press, religion and assembly, and these guarantees are honored in practice. There are no restrictions on the activities of trade unions, which trace their roots to Mahatma Gandhi and the beginning of the Indian independence movement.

In practice, there has been progress since independence in the economic sphere in ameliorating the effects of the discrimination inherent in the caste system. Caste-based social customs in the cities have also broken down to a considerable extent, primarily because the urban environment is not a favorable climate for the maintenance of traditional caste customs. De facto discrimination continues to exist throughout the society, however, in jobs, education, public accommodations, housing and personal relations. The constitutionally-mandated Commissioner for Scheduled Castes and Scheduled Tribes in the most recently published annual report noted that such discrimination is deeply rooted in the fabric of Indian society, is widespread in rural India where 80 percent of the population resides, and continues despite legal provisions and state efforts to the contrary. The Commissioner further noted that the need to enact more stringent civil rights laws after thirty years of independence bears "ample testimony of the fact that we continue with our sin of denying basic human rights to quite a sizeable section of our people."

Stating the nation's ideal, the Constitution of India prohibits discrimination by the state against any citizen on the grounds of religion, race, caste, sex or place of birth. No citizen can be subject on such grounds to any disability or restriction with regard to public shops and accommodations, public wells and water places, or public employment. The Constitution also abolishes "untouchability" and forbids its practice in any form. Implementing legislation was enacted in 1966. It was further amended and strengthened in 1976 and renamed the Protection of Civil Rights Act. Enforcement of the law is the responsibility of the state governments. The record of redress of grievances varies from state to state and often reflects the social attitudes of local officials.

Outbreaks of violence between various ethnic, religious and caste groups increased during the past year. According to the Home Ministry's May 1979 report, there were 230 communal incidents in 1978, compared to 188 in 1977 and 169 in 1976. The number of persons killed and injured during these disturbances is not known, and no impartial data are available. While the government has not condoned this violence, the sporadic inability of the local police to either prevent or contain it has become a major political issue in India and was one of the reasons cited for public dissatisfaction with the Desai Government.

A bill introduced in 1978 that would have banned religious conversions met strong opposition from the Indian Christian and Muslim communities. Although individual members of the then-ruling Janata Party backed it, it did not receive the official support of the Government as a whole. The proposal subsequently died.

b. Freedom of Movement Within the Country, Foreign Travel and Emigration

There is full freedom of movement within India for all citizens, except for a long-standing requirement for permits to enter sensitive border areas. Foreign travel and emigration are without political restrictions. The rules for obtaining a passport have been liberalized, new regional passport offices have been opened and the procedure regarding the issue of passports has been simplified. Foreign exchange regulations aimed at conserving foreign exchange restrict Indian nationals to \$500 in foreign exchange conversion privileges every two years. Some 1.2 million Indians were issued passports in 1978, as against 981,075 in 1977. There are 3 million Indian citizens living abroad, and their number continues to increase.

c. Freedom to Participate in the Political Process

All citizens of India -- regardless of religion, race, caste, sex, or place of birth -- are free to participate in the political process on an equal basis. There is a plethora of political parties ranging from Marxists to organizations representing religious groups. Many of these have participated in the government at the national and state levels. Popular participation is large and enthusiastic, with 60 percent and more turnout at the polls the norm.

Access to the nation's political life is symbolized by the three leading contenders for Prime Minister during the 1979-80 parliamentary elections -- a woman, an "untouchable" and a rural middle caste leader.

By law, a certain number of seats in the national and state legislatures are reserved for members of designated castes and tribes.

Women serve in the legislatures and cabinets at both the national and state level.

4. Government Attitude and Record Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights:

Amnesty International sent a mission to India from December 31, 1977 to January 18, 1978 "to obtain a first-hand account of the many serious human rights violations during the Emergency period" (June 1975-March 1977) and "to acquaint itself with the measures announced by the new government for the restoration of the rule of law". In their report of January 18, 1978, the mission delegates indicated that they "received full cooperation from officials throughout their stay". The Department of State has learned of no international investigation of the human rights situation in India since that time.

Within India, a fact-finding non-governmental committee appointed by the People's Union for Civil Liberties in March 1975 investigated press reports alleging violations of civil rights in a rural district of Bihar. The Committee found evidence of several cases of violation of civil rights and stated that it was subjected to harassment by local officials.

Country Reports on Human Rights Practices for 1979, Department of State, Washington: Superintendent of Documents, 1980.

READING 34

THE CONSTITUTION OF ITALY

By virtue of the decision of the Constituent Assembly which, on December 22, 1947, approved the Constitution of the Italian Republic and; In consideration of the XVIII Final Provisions;

Proclaims

the Constitution of the Republic of Italy as follows:

BASIC PRINCIPLES

Art. 1

Italy is a democratic Republic founded on labour. . . .

Art. 2

The Republic recognizes and guarantees the inviolable rights of man, both as an individual and as a member of the social groups in which his personality finds expression, and imposes the performance of unalterable duties of a political, economic and social nature.

Art. 3

All citizens are invested with equal social status and are equal before the law, without distinction as to sex, race, language, religion, political opinions and personal or social conditions.

It is the responsibility of the Republic to remove all obstacles of an economic and social nature which, by limiting the freedom and equality of citizens, prevent the full development of the individual and the participation of all workers in the political, economic and social organization of the country.

Art. 4

The Republic recognizes the right of all citizens to work and promotes such conditions as will make this right effective

Art. 6

The Republic safeguards linguistic minorities by means of special provisions. . . .

Art. 7

The State and the Catholic Church are, each within its own ambit, independent and sovereign. . . .

Art. 8

All religious denominations are equally free before the law.

Religious denominations other than Catholic are entitled to organize themselves according to their own creed provided that they are not in conflict with Italian juridical organization. . . .

Art. 10

Italy's legal system conforms with the generally recognized principles of international law.

The legal status of foreigners is regulated by law in conformity with international rules and treaties.

A foreigner to whom the practical exercise in his own country of democratic freedoms, guaranteed by the Italian Constitution, is precluded, is entitled to the right of asylum within the territory of the Republic, under conditions laid down by law.

The extradition of a foreigner for political offences is not admitted.

Art. 11

Italy condemns war as an instrument of aggression against the liberties of other peoples and as a means for settling international controversies; it agrees, on conditions of equality with other states, to such limitation of sovereignty as may be necessary for a system calculated to ensure peace and justice between Nations: it promotes and encourages international organizations having such ends in view. . . .

PART ONE

RIGHTS AND DUTIES OF PRIVATE CITIZENS

Title I

CIVIL RELATIONS

Art. 13

Personal liberty is inviolable.

No form of personal detention, inspection or search is permitted, nor other restrictions on personal liberty save by order of the judicial authority for which the motive must be stated, and then only in such cases and manner as the law provides.

In exceptional cases of necessity and urgency, strictly defined by law, the police authorities may carry out provisional measures, which must be communicated within 48 hours to the judicial authorities and which, if the latter do not ratify them within the next 48 hours, are thereby revoked and declared null and void.

All acts of physical and moral violence on persons subjected to limitations of freedom are punished.

The law lays down the maximum period of preventive detention.

Art. 14

Personal domicile is inviolable.

Inspection, search and distraint may not be carried out save in cases and in the manner laid down by law in conformity with guarantees prescribed for safeguarding personal freedom.

Special laws regulate verifications and inspections for reasons of public health and safety, or for economic and fiscal purposes.

Art. 15

The liberty and secrecy of correspondence and of every form of communication are inviolable.

Limitations upon them may only be enforced by decision, for which motives must be given, of the judicial authorities with the guarantees laid down by law.

Art. 16

Every citizen has the right to reside and travel freely in any part of the metropolitan territory, save for such limitations as the laws may prescribe in a general way for reasons of health or security. No restrictions may be prescribed for political reasons.

Every citizen is free to leave the territory of the Republic and re-enter it, save for such obligations as are laid down by law (1).

Art. 17

Citizens are entitled to hold meetings peaceably and unarmed.

No previous notice is required for meetings in places to which the public has access.

For meetings in public thoroughfares previous notice must be communicated to the authorities, who may forbid them only for well established reasons of security or public safety.

Art. 18

Citizens are entitled to form associations without authorization for reasons not forbidden to individuals by criminal law.

Secret associations and those which pursue political aims, even indirectly, by means of organizations of a military character, are forbidden.

(1) Military Service and payment of taxes and duties are compulsory by law.

Art. 19

All are entitled to freely profess their religious convictions in any form, individually or in associations, to propagate them and to celebrate them in public or in private, save in the case of rites contrary to morality.

Art. 20

The religious character and the religious or confessional aims of an association or institution shall not involve special legal limitations or special fiscal burdens for its constitution, legal status or any of its activities.

Art. 21

All are entitled freely to express their thoughts by word of mouth, in writing, and by all other means of communication.

The press may not be subjected to any authority or censorship.

Distrainment is allowed only by order of the judicial authorities, for which motives must be given, in the case of offences definitely laid down by the press law, or in the case of violation of the provisions which the said law prescribes for identifying responsible parties.

In such cases, under conditions of absolute urgency and when the immediate intervention of the judicial authorities is not possible, distrainment may be applied to the periodical press by officers of the judicial police, who shall communicate the matter to the judicial authorities within 24 hours. If the said judicial authorities do not ratify the measure within the next 24 hours, the distrainment is withdrawn and is null and void.

The law may prescribe, by means of provisions of a general nature, that the financial sources of a periodical publication be made known.

Printed publications, performances and all other manifestations contrary to morality are forbidden.

The law lays down proper provisions for preventing and repressing all violations.

Art. 22

No one may be deprived of his legal status, his citizenship, or his name for political reasons.

Art. 23

No personal service or payment may be forced on anyone, save according to law.

Art. 24

All are entitled to institute legal proceedings for the protection of their own rights and legitimate interests.

Defence is an inalienable right at every stage of legal proceedings.

The indigent are entitled, through special provisions, to proper means for action or defence at all levels of jurisdiction.

The law lays down the conditions and methods for obtaining reparation for judicial errors.

Art. 25

No one may avoid proceedings resulting from offences against legislation in force.

No one may be punished save on the basis of a law which has come into force before the offence has been committed.

No one may be subjected to security measures save in such cases as are laid down by law.

Art. 26

The extradition of a citizen is permitted only in cases expressly provided for in international conventions.

Extradition shall never be permitted for political offences.

Art. 27

Criminal responsibility is personal.

The person accused is not considered guilty until final sentence has been passed upon him.

Punishment must not consist of measures contrary to humane precepts and shall aim at reforming the person upon whom sentence is passed.

The death penalty is not admitted save in cases specified by military laws in time of war.

Art. 28

Officials and employees of the State and of public bodies are directly responsible, according to the criminal, civil and administrative laws, for acts committed in violation of rights. In such cases, civil responsibility extends to the State and to public bodies.

Title II**ETHICAL AND SOCIAL RELATIONS****Art. 29**

The State recognizes the family as a natural association founded on marriage.

Marriage is based on the moral and legal equality of husband and wife, within the limits laid down by the laws for ensuring family unity.

Art. 30

It is the duty and right of parents to support, instruct and educate their children, even those born out of wedlock.

Should the parents prove incapable, the law states the way in which these duties shall be fulfilled.

The law ensures full legal and social protection for children born out of wedlock consistent with the rights of the members of the legitimate family.

The law lays down rules and limitations for ascertaining paternity.

Art. 31

The Republic facilitates, by means of economic and other provisions, It safeguards maternity, infancy and youth, promoting and encouraging institutions necessary for such purposes.

Art. 32

The Republic provides health safeguards as a basic right of the individual and in the interests of the community, and grants medical assistance to the indigent free of charge. . . .

Art. 33

The freedom of art and science and freedom of instruction in them is affirmed.

The Republic lays down general rules for education and establishes public schools of all kinds and grades. . . .

Art. 34

Education is available to everyone.

Elementary education, imparted for at least eight years, is compulsory and free.

Capable and deserving pupils, even if without financial resources, are entitled to attain the highest grades of learning.

The Republic gives effect to this privilege by means of scholarships, of contributions to the families of the pupils, and other provisions, to be obtained by competitive examination.

Title III

ECONOMIC RELATIONS

Art. 35

The Republic safeguards labour in all its forms and methods of execution. . . .

Art. 36

An employed person is entitled to wages in proportion to the quantity and quality of his work, and in any case sufficient to provide him and his family with a free and dignified existence. . . .

Art. 37

Female labour enjoys equal rights and the same wages for the same work as male labour. Conditions of work must make it possible for them to fulfil their essential family duties and provide for the adequate protection of mothers and children.

The law prescribes the minimum age for paid labour (1).

The Republic prescribes special measures for safeguarding juvenile labour and guarantees equal pay for equal work.

Art. 38

Every private citizen unable to work and unprovided with the resources necessary for existence is entitled to private and social assistance. . . .

Art. 40

The right to strike is exercised within the sphere of the laws concerning the subject

Art. 41

Private economic enterprise is open to all.

It cannot, however, be applied in such a manner as to be in conflict with social utility or when it is prejudicial to security, freedom and human dignity.

The law prescribes such planning and controls as may be advisable for directing and coordinating public and private economic activities towards social objectives.

Art. 42

Ownership is public or private. Economic commodities belong to the State, to public bodies or to private persons. . . .

*Title IV***POLITICAL RELATIONS****Art. 48**

All private citizens, male or female, who are of age, are entitled to vote.

Votes are personal, equal, free and secret. To vote is a civic duty. . . .

Art. 49

All citizens have the right to freely form parties in order to contribute by democratic means to national policy

Article XII of the Transitory Provisions, however, forbids the reorganization of the Fascist Party under any form.

Art. 50

All citizens may submit petitions to Parliament demanding legislative measures or setting forth general needs.

Art. 51

All citizens of either sex are eligible for public office and for elective positions on conditions of equality, according to the requisites established by law. . . .

Art. 52

The defence of the country is a moral duty of every citizen.
Military service is compulsory, within the limits and in the manner laid down by law.

Art. 54

All citizens have the duty of fealty to the Republic and shall respect the Constitution and the laws.

Title IV

THE JUDICIARY

Art. 101

Justice is administered in the name of the people.
The judges are subject only to the laws (1).

Art. 102

The duties of the judiciary are carried out by permanent judges appointed and governed according to the provisions laid down in regulations on legal structure.

Art. 104

The Judiciary is an independent structure and is not subject to any other authority. . . .

Art. 107

Judges cannot be removed from office. .

Art. 108

The rules governing legal structure and every judicial office are established by law.

Section II - Regulations on Justice

Art. 111

Valid reasons must be provided for all legal proceedings.

Art. 112

The Public Prosecutor is responsible for instituting penal proceedings.

Art. 113

Claims for protection of rights in matters of legitimate interest before the organs of normal or administrative justice are always allowed against decisions taken by public administration.

Such jurisdictional protection may not be exclusive or limited to special claims or to specific decisions.

The law lays down those jurisdictional organs which may annul decisions of public administration according to the provisions established.

Art. 139

The Republican structure is not subject to constitutional amendment.

READING 35

European Convention for the Protection of Human Rights and Fundamental Freedoms (1953)

The Governments signatory hereto, being Members of the Council of Europe,

Considering the Universal Declaration of Human Rights proclaimed by the General Assembly of the United Nations on 10 December 1948;

Considering that this Declaration aims at securing the universal and effective recognition and observance of the Rights therein declared;

Considering that the aim of the Council of Europe is the achievement of greater unity between its Members and that one of the methods by which that aim is to be pursued is the maintenance and further realisation of Human Rights and Fundamental Freedoms;

Reaffirming their profound belief in those Fundamental Freedoms which are the foundation of justice and peace in the world and are best maintained on the one hand by an effective political democracy and on the other by a common understanding and observance of the Human Rights upon which they depend;

Being resolved, as the Governments of European countries which are like-minded and have a common heritage of political traditions, ideals, freedom and the rule of law, to take the first steps for the collective enforcement of certain of the Rights stated in the Universal Declaration;

Have agreed as follows:

ARTICLE 1

The High Contracting Parties shall secure to everyone within their jurisdiction the rights and freedoms defined in Section I of this Convention.

ARTICLE 2

1. Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law. . . .

ARTICLE 3

No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

ARTICLE 4

1. No one shall be held in slavery or servitude.
2. No one shall be required to perform forced or compulsory labour.

ARTICLE 5

1. Everyone has the right to liberty and security of person.

No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law:

a. the lawful detention of a person after conviction by a competent court;

b. the lawful arrest or detention of a person for non-compliance with the lawful order of a court or in order to secure the fulfilment of any obligation prescribed by law; . . .

ARTICLE 6

1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.

3. Everyone charged with a criminal offence has the following minimum rights:

a. to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;

b. to have adequate time and facilities for the preparation of his defence;

c. to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;

d. to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

e. to have the free assistance of an interpreter if he cannot understand or speak the language used in court. . . .

ARTICLE 8

1. Everyone has the right to respect for his private and family life, his home and his correspondence.

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

ARTICLE 9

1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching practice and observance.

2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary

in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

ARTICLE 10

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for

the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

ARTICLE 11

1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.

2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national safety or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.

ARTICLE 12

Men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of this right.

ARTICLE 13

Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.

ARTICLE 14

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

ARTICLE 15

1. In time of war or other public emergency threatening the life of the nation any High Contracting Party may take measures derogating from its obligations under this Convention to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law. . . .

ARTICLE 19

To ensure the observance of the engagements undertaken by the High Contracting Parties in the present Convention, there shall be set up:

1. A European Commission of Human Rights, hereinafter referred to as 'the Commission';

2. A European Court of Human Rights, hereinafter referred to as 'the Court'. . . .

Ratifications

Austria	Italy
Belgium	Luxembourg
Cyprus	Netherlands
Denmark	Norway
Federal Republic of Germany	Saar ¹
Greece	Sweden
Iceland	Turkey
Ireland	United Kingdom

READING 36. Elementary

Italy (the Italian Republic)

In the past year there has been a dramatic increase in violence that is related to political issues. "Not only have there been more kidnappings for ransom but also more frequent street violence, assassinations, woundings, bombings, abductions, and murder."

In 1978 a bill was passed that contains measures to protect property and to provide heavier sentences for kidnapping. The law includes life imprisonment if a kidnapped person dies.

The law also allows for more police power. People who are arrested no longer have the right to a lawyer while the police are questioning them, even though that information cannot be used as evidence. Also, anyone can be detained for up to 24 hours or until they can prove their identity. As a result of the new law, the police immediately arrested hundreds of people suspected of being involved in terrorist activities.

On March 16, 1978, former Prime Minister Aldo Moro was kidnapped by an armed group in Rome. All of the guards in his escort were murdered. The kidnappers identified themselves as members of the Red Brigade—a group planning to overthrow the state by the use of violence. They later claimed that they had tried Aldo Moro in a "people's tribunal," that he had

been found guilty and had been condemned to death. Amnesty International, along with many other organizations, appealed for the life of Aldo Moro. The appeals did not work and Moro's body was discovered in Rome on May 9, 1978.

Amnesty International continues to be concerned about the rights of innocent people in Italy and about poor treatment in specially created security prisons. The Italian government has been willing to join Amnesty International in investigating prison conditions.

Amnesty International is also concerned about the length of time people in Italy have to stay in prison before their trial. They wrote, "Giovanni Venture, . . . was in detention awaiting trial for over four years, charged with taking part in 1967 in the bombing in the Piazza Fontana in Milan which killed 16 people." Conscientious objectors (people who refuse to join the military because they do not believe that it is ever right to kill) are also jailed because carrying out military service is a law in Italy. Most conscientious objectors in prison in Italy are Jehovah's Witnesses.

Summarized from:

Amnesty International Report: 1978 London: Amnesty International, 1979. pp. 221-2.

READING 36. Secondary

Italy (the Italian Republic)

In the past year in Italy there has been a marked increase in violence. Not only have there been more kidnappings for ransom but also more frequent street violence, assassinations, woundings, bombings, abductions and murder for declared political ends by extremist groups of both right and left.

In 1978, the Government under the Christian Democrat Prime Minister, Signor Giulio Andreotti, introduced new measures to combat acts of terrorism. A thirteen-article Bill which became law in March 1978 contains measures to protect property and provides for heavier sentences for different degrees of kidnapping. The law allows imprisonment for life (*ergastolo*) in the event of a kidnapped person dying.

There are also provisions to eliminate some features of the secret preliminary proceedings which had previously constrained investigating magistrates, and to allow a considerable expansion in police power. People arrested in the act of committing an offence no longer have the right to legal representation during interrogation. However, information obtained in such interrogations cannot be used as evidence. In addition, the law stipulates that anyone may be detained and held for up to 24 hours or until they can prove their identity. The Minister of the Interior now has increased power to request authorization for wire-tapping, and the period of time for which an authorization lasts has been lengthened. Finally, it is now obligatory to report the sale or renting of property and to tell the police who the parties involved are.

These special powers came into force by Decree Law on 23 March 1978 and the police immediately used them to arrest and hold -- pending investigation of their identities -- hundreds of leftists suspected of being implicated in, or having knowledge of, terrorist activities.

The most recent and most serious in a long series of violent confrontations

between the Government and extremist groups took place on 16 March 1978, when the former Prime Minister and leader of the Christian Democratic Party, Aldo Moro, was kidnapped by an armed group in Rome. All the guards in his escort were murdered. The kidnappers identified themselves in a statement on 18 March as belonging to the Red Brigades – a group committed to the use of violence and of a “strategy of tension” as a first step towards the overthrow of the state. The Red Brigades claimed that Signor Moro was being held in a “people’s prison” and would go on trial before a “people’s tribunal”. On 15 April the Red Brigades announced that his interrogation was finished, that he had been found “guilty” and had been condemned to death.

Amnesty International issued a press release on 17 April, appealing for the life of Aldo Moro. This, like appeals from many other sources, was of no avail and his murdered body was discovered in Rome on 9 May.

Amnesty International continues to be concerned at reports and allegations of maltreatment and bad conditions in Italian institutions of confinement, including the nine recently created special security prisons. Amnesty International therefore wrote in May 1978 to Franco Evangelisti, the Under Secretary of State of the Presidency of the Council, saying that it was willing to set up a proper investigation of conditions in the special security prisons. When this letter was sent, the Italian Government had publicly expressed its own willingness to co-operate fully in such an investigation.

The delays at all stages in cases before the Italian courts is another matter of concern to Amnesty International. The problem is more acute in common criminal cases since many of the defendants in politically motivated cases are tried under special rapid penal procedures. However, this is not always so. Giovanni Ventura, for example, was in detention awaiting trial for over four years, charged with taking part in 1969 in the bombing in the Piazza Fontana in Milan which killed 16 people. He subsequently made an application to the European Commission on Human Rights in Strasbourg, claiming that he had been denied his right to a fair trial within a reasonable time, as guaranteed by Article 6 of the European Convention on Human Rights. The Commission at its April 1978 session accepted the admissibility of his application. Amnesty International wrote to the Minister of Justice in 1976, expressing concern at the delay in bringing Giovanni Ventura to trial.

Amnesty International groups worked for a total of seven adopted conscientious objectors during the year 1977 – 78, five of whom have now been released after serving an average of 12 months’ imprisonment. Those still in prison, include one Amnesty International adoptee, Franco Pasello, who was sentenced to 14 months’ imprisonment for refusing to carry out military service (the usual charge) and, at a separate trial, to a further 12 months’ for refusal to register for military service. In November 1977, when the first term of imprisonment in a military prison expired, he was transferred to a civilian prison to serve the second sentence. All seven conscientious objectors adopted by Amnesty International were “total resisters” to military service in that they objected on political grounds to both military and alternative service. Most conscientious objectors in prison in Italy are Jehovah’s Witnesses.

Amnesty International Report: 1978. London: Amnesty International, 1979. pp. 221-2.

READING 37

Suspected Subversives Exiled to Remote Regions

Peter Nichols

ROME, Feb. 19. Support from Britain, France and other European countries is being sought by opponents of the decision by Rome police to use a form of internal exile against suspected subversives.

The first extreme left-winger to suffer this measure is an anarchist, Signor Roberto Mander, aged 26, who was sent on Tuesday to the tiny island of Limosa, off the southern coast of Sicily where he will spend the next two years under strict supervision.

He was seen off at the station by a group of supporters who had heard that the inhabitants of Limosa were protesting against his arrival. Similar cases brought by the police are coming before a Rome court this week.

Recourse to this device began in its present form early this year, and has caused widespread criticism. In the past, its best known use was against persons suspected of Mafia connexions. The practice of sending them to distant parts of Italy is frequently said to have helped to spread Mafia activities to areas hitherto free of them.

The measure, which was used by the Fascists against their opponents, dates from pre-Fascist days. In 1975 it was extended to cover alleged political subversives and persons thought likely to commit crimes.

Criticisms of it form part of an increased interest here in civil rights. Other aspects of the penal system which are under attack include the continued use of criminal lunatic asylums, conditions inside the new high security prisons and the standard medical treatment to prisoners in all types of prison.

These are the relatively new elements that have come to the forefront as a part of the debate on how the state should be dealing with the growing problem of political violence.

A case that will come up before a Rome court on Tuesday is that of Signor Massimo Pieri, a student leader. The court will decide whether or not to have him deported to some remote part of the country. Signor Pieri points out that no criminal charges are pending against him and his numerous trials have all ended in acquittal.

Aged 34, he has a degree in physics. Apart from being a student leader, he is also an active opponent of the Government's policy of building nuclear power stations.

He feels the Communist Party is responsible for growing repression. He accuses the Communists of among other things, supporting the use of exile against such persons as himself.

He talks more highly, as a convinced revolutionary, of the British system. "I prefer a good bourgeois democracy to a bad dictatorship of the proletariat." He says internal exile exists only in Chile and the Soviet Union apart from Italy.

The Times, London, Feb. 20, 1978.

READING 38

Italian Political Exile Endures Island Banishment

Isle of Linosa, Italy—Crystal clear warm seas, cobalt blue Mediterranean skies, and only the chug of fishing launches and clop of donkey's hooves to disturb the quiet.

It sounds like the brochure describing an ideal vacation; and last year nearly 3,000 people flocked to this remote island to enjoy its climate and scenic beauty.

But for Roberto Mander, who is being paid a daily allowance of \$3.50 to live here for a year the island is not a resort.

For Mr. Mander is living here in exile.

He was sent to Linosa, half-way between Sicily and North Africa, under a law which allows the Italian authorities to make people active in politics leave the country even when there is no proof of crime.

Mr. Mander, who is in his mid-20s, arrived here February 17 in a blaze of publicity and the 400 islanders soon set up a blockade to protest against his presence.

The islanders cut themselves off from the outside world and refused service to the ferry which brings supplies to Sicily.

The islanders, who supplement their meager livelihoods from fishing and farming by giving board and lodging to summer tourists, said visitors would avoid the island if it became a regular dumping ground for suspected political activists.

Parliament in Rome is now expected to abolish the law which allowed the police to banish Mr. Mander. But because of the slow pace of legislation it may be months before he gets off the island.

"Meanwhile, I just sit here," says Mr. Mander who has strong left-wing views but denies charges of involvement with politically violent groups.

Exiles like Mr. Mander are supposed to work in the community they are sent to. But Mr. Mander sees no chance of finding a job on this tiny island, which measures less than 11 miles around. There are already 37 islanders out of work.

The exiles also are supposed to live with the locals. But Linosans have refused Mr. Mander both board and lodging and there are no restaurants and hotels.

"I have to sleep at the police station and buy bread and tins from a shop," he said.

"No one ever gives me food, so I haven't had a hot meal since I arrived here," he explained.

Mr. Manders said he came here, instead of refusing the order and facing arrest, to underline what he calls the absurdity and injustice of the system of exile in Italy.

Summarized from *Christian Science Monitor*, April 3, 1978.

READING 39

ROME—"They're at it again," said a middle-aged woman whose tone betrayed a mixture of dislike and grudging admiration.

She was pointing to a young man with a megaphone, a member of Italy's small but active Radical Party, who stood in Rome's spacious Piazza Navona energetically exhorting passersby to "sign here if you want to force Parliament to enact the reforms our constitution guarantees us, abolish the Concordat with the Vatican, change the military code and end public financing of political parties."

Nearby, other party workers at hastily set-up chairs and tables were busy coaxing signatures supporting an eight-point civil-rights referendum.

Volunteers from among the party's 4,000 militants have collected more than the 500,000 signatures needed for a popular referendum that, by abolishing eight major Italian laws, could overhaul totally some basic institutions—and its traditional relationship with the Roman Catholic Church. The Radicals are now seeking 700,000 signatures to defeat any effort at mass challenges.

The chief sponsors of the successful Italian divorce drive and the most active supporters of the continuing abortion fight, the Radicals are confident that their reliance on direct democracy will pay off once again.

Their eventual success in completing the petition and in getting out the vote next spring if the referendum is held, could also confirm some forecasts that this increasingly anti-Communist group of highly vocal social reformers will play a growing role in Italy.

Washington Post, June 8, 1977.

READING 40

450 Foreign Wives Angered by Curb on Rights in Italy

Henry Tanner

(Rewritten and Summarized)

The Italian government is insisting on strict enforcement of a 68 year-old law that requires foreign women marrying Italians to automatically acquire Italian citizenship. About 450 women employed at the United Nations Food and Agriculture Organization (F.A.O. Rome) are affected by the law. They will lose many benefits that were written into their contracts when they were hired as international civil servants (before they were married). The women will lose their original nationality and fear that they could not be repatriated in the event of an international crisis. They also point out that the law does not apply equally to foreign men marrying Italian women.

The Food and Agriculture Organization is currently negotiating a new set of agreements with the Italian government. The women have demanded that the agreement not be signed unless the law is no longer enforced. They charge that "by failing to get the Italian government to waive the 1912 law, the U.N. organization has become an accomplice in depriving them of their original nationality." The F.A.O. directors recognize the women's original nationality within their agency, but claim that they cannot influence the Italians to change their laws.

The emphasis on enforcement of the law is due to Italian authorities reacting to terrorism in Italy. They are tightening a wide range of regulations dealing with law and order. For example, a pending bill will require all Italian citizens to carry identity cards that, when fed into a computer, will give extensive background information on the card carrier. All foreigners are required to carry identity papers at all times.

The 450 women at F.A.O. are primarily British. Some come from other European countries and the United States. Italian law forbids dual citizenship and the women have been pressured to give up their old passports. Double taxation is a potential problem, and the women would lose the right to have foreign currency.

"The protesters basic argument is that the F.A.O., as a United Nations agency, is morally and legally bound to protect them against the loss of the material and moral rights they were enjoying at the time they consented to become its employees."

Summarized from *New York Times*, April 29, 1980.

READING 41

Feminism in Europe: Italy

Elizabeth Pond

"It's the biggest social change in Italy in the past 10 years," asserts one foreigner, a woman.

"It doesn't go anywhere. It's just upper middle class, with a lot of radical chic," disagrees another.

"In these latest years it has spread enormously; it's probably even too big," comments a longtime Italian feminist.

"The feminist movement?" ask a half dozen young Italian women in the Rome YWCA uncomprehendingly. They refer a questioner to the Woman's House on the Via del Governo Vecchio as if it were some foreign embassy.

Virtually everyone does agree, however, that it began a decade ago with the campaign for a new divorce law in Italy. Fledgling feminists, including many political radicals to the left of the Italian Communist Party, and some Fulbright scholarship returnees from feminist-conscious America, pressed for a change in the country's male-dominated society. They drafted a law giving Italian women equal rights with men in getting divorce for the first time in history.

The feminists shamed the well-organized wing of the Communist party (and the smaller, less important Socialist Party) into supporting them. And they persuaded the perennially dominant and tradition-minded Christian Democrats to vote for the divorce law on the condition that a popular referendum be held after passage. The firm expectation was that the conservative Italians would then defeat the divorce law in this first use of the referendum in postwar Italy.

The firm expectation was wrong. The Christian Democrats were shocked and the feminists astounded by the lop-sided 60 per cent of the electorate that approved the law in 1974. Village women in old-fashioned southern Italy, it turned out, wanted the right to get divorced-- or at least to legalize five-year-old de facto separations, as the cautious new law authorized-- just as much as their middle-class urban sisters in Rome and Milan. So did the poor women in Rome's outlying slums, which produced one of the heaviest turnouts for the vote.

The explanation of this surprising support for divorce offered by Alma Sabatini, one of the early feminist leaders, is simple: "The less subtle male superiority is, the clearer it is. Consciousness-raising among women is easier, once it gets started. They see things more clearly for themselves. I think in other societies it's more concealed."

Concurring in this judgement, one foreign reporter cites examples of illiterate peasant women who have developed a strong feminist outlook after brutal beatings by their husbands.

Whatever the process of "consciousness-raising," its momentum carried through to the second big feminist issue, abortion. Despite the opposition of the Roman Catholic Church, Roman Catholic Italy passed a law in 1978 that, on paper at last, legalized abortion.

As with the divorce law, this seemed to be a case of legalizing existing practice. Even the most conservative estimates calculate one abortion for every live birth in Italy.

Looking back on the 1970s, Rome University sociologist Franco Ferrarotti sees the following feminist gains: Beyond divorce and abortion, Italian women have attained legal equality in employment, a share in family decisions, and nondiscrimination for illegitimate children.

The woman is no longer the sole guilty party in cases of adultery. The sociologist points out that "crimes of passion" in which a man kills a wife or sister who has had sexual relations out of wedlock are now fully punishable as murder and are not to be dismissed with a light prison sentence.

Furthermore, women have gained unprecedented access to higher education in the past decade. Half of today's university students are women. Women have also entered professional fields that formerly were closed to them.

To be sure, their numbers are still tiny in news media and law offices. Those who become doctors tend to get channeled to specialties like gynecology. Those who move into university teaching tend to get channeled to "feminine" subjects like pedagogy or family sociology. But the numbers are increasing.

In addition, in the past decade more husbands have begun to help push the baby carriages.

Daniela Colombo, a former teacher and the current rotating chief editor of the feminist magazine Effe, agrees that women have made legal gains. She calls the Italian abortion law one of the best in Europe, and she describes Italy's equal-pay, non-discrimination, maternity-leave, and child-day-center laws as advanced.

She points out that Italian women did not have to fight for an equal-rights amendment as American women are doing because equality is already guaranteed to women in the Italian Constitution.

The unfortunate thing, however, is that "laws are not observed in this country--not just laws about women, but laws as a whole," says the Effe editor.

Despite flowery guarantees, women have suffered much more than men from the recession of the past five years, from unemployment, from the housing shortage, she says. Compulsory maternity benefits now mean that many companies avoid hiring young women altogether. Many doctors and hospitals refuse to perform legal abortions. Construction of child-care centers has come to a halt for lack of money.

At the no-men-allowed Casa della Donna on the Via del Governo Vecchio some women have taken it into their own hands to try to improve woman's lot. In the formerly empty Roman palazzo that they have been squatting in for the past three years (the Rome government, a partial owner of the building, no longer tries to evict them) they provide legal and psychological help for abused women and counseling on contraception and abortion.

The women of Casa della Donna also sponsor discussion groups among housewives, mothers, photographers, Alitalia stewardesses, craftswomen, and others. The rundown but roomy palazzo, currently being whitewashed and renovated by volunteers also has space for theater performances and for such activities as violin and guitar lessons.

By far the main current concern of the house is violence against women, including rape and wife beating. The feminist focus on this issue has already brought much hidden family violence into the open, and the hope is that this increased public awareness of the problem will be the first step in diminishing it.

Eventually the casa may become a home for battered women and children who need a temporary place to stay.

The Italian feminists have made enormous headway in a notoriously male chauvinist society. They have experienced enormous disappointments-- including a stinging backlash from some men. The feminists now are at the uncomfortable stage where they have aroused a lot of feminine expectations-- but have not yet roused much masculine willingness to meet these expectations.

It's a question of attitudes and education, Daniela Colombo maintains.

"The education of girls has changed radically in the past decade," she explains, while the education of boys has changed hardly at all. "Girls now go to school. They are taught that they should be independent, have a job, be brave and courageous. But the boys haven't changed. They are afraid of being feminized."

It is in this attitude that Effe editor Colombo sees the next challenge of the Italian women's movement.

Christian Science Monitor, Sept. 14, 1979.

READING 42

ITALY

The Italian constitution recognizes all the basic political and civil liberties and a number of fundamental economic and social rights. These rights are generally honored in practice, even in the face of the terrorist violence occurring in that country.

1. Respect for the Integrity of the Person, Including Freedom from:

- a. Torture

Freedom from torture is guaranteed by law and respected in practice.

- b. Cruel, Inhuman or Degrading Treatment or Punishment

Freedom from cruel, inhuman or degrading treatment or punishment is guaranteed by law and respected in practice.

- c. Arbitrary Arrest or Imprisonment

Freedom from arbitrary arrest or imprisonment is guaranteed by law and generally respected in practice.

The Italian Penal Code--the so-called Rocco Law--was enacted during the fascist era. Although substantially amended, it remains the basis of Italian penal law, and authorizes certain restrictions on civil liberties. For example, it outlaws defamation of state institutions and government, as well as foreign and ecclesiastical officials.

The Reale law which deals with criminal procedures, was passed in 1975 in response to increasing terrorism and was confirmed by a public referendum in 1978. It establishes broad powers of arrest and imprisonment, and is considered by most political parties to be too stringent and in need of amendment. Parliamentary action on draft legislation to amend the law has been pending since 1977 and was recently postponed for the fourth time.

- d. Denial of Fair Public Trial

Fair public trial is guaranteed by law and respected in practice. However, as in some other Western European countries, a person may be legally imprisoned without bail for up to two years before his case is referred to a judge for trial. In the current year, for example, several alleged terrorists have been arrested and are still in prison without any date fixed for the trial.

e. Invasion of the Home

Freedom from invasion of the home is guaranteed by law and respected in practice. However, several cases of entry into homes without legal authorization have occurred.

2. Governmental Policies Relating to the Fulfillment of Such Vital Needs as Food, Shelter, Health Care and Education:

Italy has an extensive system of social welfare benefits covering old age, retirement, health and unemployment. These programs have experienced continuing problems or inefficient administration which have resulted in inequities in some cases. The Government recognizes this problem and is attempting to improve social services.

3. Respect for Civil and Political Liberties, Including:

a. Freedom of Speech, Press, Religion and Assembly

These freedoms are normally inviolate. However, one clear violation of freedom of the press is the regular confiscation of Male, a weekly newspaper of political satire.

b. Freedom of Movement Within the Country, Foreign Travel and Emigration.

There is freedom of movement, foreign travel and emigration.

c. Freedom to Participate in the Political Process

Political activity on the part of citizens is universal. Political parties represent the entire spectrum, from left to right. In a typical parliamentary election, over 90 percent of eligible voters cast ballots.

In some areas, notably the rural south, there remains a tendency to cast women in traditional roles and to delimit their freedom of action accordingly.

4. Government Attitude and Record Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights:

The Italian Government has an excellent record in supporting human rights throughout the world. Italy has not been the subject of investigation of alleged human rights violations.

Country Reports on Human Rights Practices for 1979, U.S. Department of State. Washington: Superintendent of Documents, 1980.

READING 43

Dola and Babi were very close friends—so close, people thought they were twins. Even after they grew up, they couldn't bear to be apart. When the time came for them to marry, they chose two brothers, and went to share the same home.

Now Dola wanted very much to have a baby.

She planted a kola nut tree in the yard of her new home, and prayed to the tree's spirit every day to help her have a child. But animals soon began to nibble at the little tree's leaves, and Dola feared that her tree would die before it could help her.

When Babi learned of Dola's problem, she knew

just what to do. She brought out the neck of a large broken pitcher, and showed Dola how to cover the tree with it so that animals couldn't reach the leaves. Dola thanked her friend happily.

The tree grew quickly then. In a few years, it was full-grown and its nuts were the best in the village. Dola grew wealthy selling the nuts.

But as Dola grew more wealthy, Babi grew more and more jealous of her friend's success. One day, she asked Dola to return the neck of her pitcher. She knew this couldn't be done without breaking either the pitcher neck or the tree, for the branches had grown too wide for the neck to be slipped off. Dola cried and begged her friend to change her mind, but Babi kept insisting she wanted her pitcher neck back unbroken.

The two women went to court, where the judge ruled that what belonged to Babi should be returned to her. The kola nut tree was cut down. Dola was heartbroken.

A few months later, Babi had a baby girl. Dola gave her a beautiful brass ring to put around the baby's neck. Babi was very pleased.

But exactly ten years later, on the little girl's birthday, Dola asked Babi to give back the ring. Babi was terrified, for, just as the kola nut tree's branches had grown wider than the pitcher's neck, the child's head had grown bigger than the brass ring. The only way to take the ring off without breaking it was to cut off the child's head.

Again, Dola and Babi went to court. After hearing Dola's claim to the ring and remembering his judgment in favor of Babi in the earlier case, the judge decided that Dola was right: she could have her ring back without breaking it. What was her's should be returned to her. He fixed a day for the child's head to be cut off in front of all the villagers—so that they, too, could learn the danger of jealousy.

The day came. Everyone gathered in the king's palace to watch the beheading. As the sword was raised, the king told the people that, just as the tree was cut down to return the pitcher neck, the child would be killed to return the brass ring. Suddenly, Dola stopped the executioner. She cried that she didn't want to hurt an innocent child just because of her mother's jealousy. And she said that if people kept on returning evil for evil, the evil would never, ever end. In front of all the villagers, Dola forgave Babi for what she had done to her kola nut tree.

The king, the judge and the villagers went home happily. From that day on, Dola and Babi were closer friends than ever. And, every time one of them would become angry with the other, she would remember her lesson—and return good, not evil, for evil.

Adapted by Jean Gerbini from an old Nigerian folk tale as retold by Amos Tutuola.

READING 44

THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1979

15. (1) The motto of the Federal Republic of Nigeria shall be Unity and Faith, Peace and Progress.

(2) Accordingly, national integration shall be actively encouraged, whilst discrimination on the grounds of place of origin, sex, religion, status, ethnic or linguistic association or ties shall be prohibited.

(3) For the purpose of promoting national integration it shall be the duty of the State to—

(a) provide adequate facilities for and encourage free mobility of people, goods and services throughout the Federation;

(b) secure full residence rights for every citizen in all parts of the Federation.

(c) encourage intermarriage among persons from different places of origin or of different religious, ethnic or linguistic associations or ties, and

(d) promote or encourage the formation of associations that cut across ethnic, linguistic, religious or other sectional barriers.

(4) The State shall foster a feeling of belonging and of involvement among the various peoples of the Federation, to the end that loyalty to the nation shall override sectional loyalties.

(5) The State shall abolish all corrupt practices and abuse of power.

16. (1) The State shall, within the context of the ideals and objectives for which provisions are made in this Constitution—

(a) control the national economy in such manner as to secure the maximum welfare, freedom and happiness of every citizen on the basis of social justice and equality of status and opportunity;

(b) without prejudice to its right to operate or participate in areas of the economy other than the major sectors of the economy, manage and operate the major sectors of the economy;

(c) without prejudice to the right of any person to participate in areas of the economy within the major sector of the economy, protect the right of every citizen to engage in any economic activities outside the major sectors of the economy.

(2) The State shall direct its policy towards ensuring—

(a) the promotion of a planned and balanced economic development;

(b) that the material resources of the commun-

ity are harnessed and distributed as best as possible to serve the common good;

(c) that the economic system is not operated in such a manner as to permit the concentration of wealth or the means of production and exchange in the hands of few individuals or of a group; and

(d) that suitable and adequate shelter, suitable and adequate food, reasonable national minimum living wage, old age care and pensions, and unemployment and sick benefits are provided for all citizens. . . .

(c) government actions shall be humane;

(d) exploitation of human or natural resources in any form whatsoever for reasons other than the good of the community shall be prevented;

(e) the independence, impartiality and integrity of courts of law, and easy accessibility thereof shall be secured and maintained.

(3) The State shall direct its policy towards ensuring that—

(a) all citizens without discrimination on any ground whatsoever have the opportunity for securing adequate means of livelihood and well as adequate opportunities to secure suitable employment;

(b) conditions of work are just and humane, and that there are adequate facilities for leisure and for social, religious and cultural life;

(c) the health, safety and welfare of all persons in employment are safeguarded and not endangered or abused;

(d) there are adequate medical and health facilities for all persons;

(e) there is equal pay for equal work without discrimination on account of sex, or on any other ground whatsoever;

(f) children, young persons and the aged are protected against any exploitation whatsoever, and against moral and material neglect; and

(g) provision is made for public assistance in deserving cases or other conditions of need.

18. (1) Government shall direct its policy towards ensuring that there are equal and adequate educational opportunities at all levels.

(2) Government shall promote science and technology.

(3) Government shall strive to eradicate illiteracy; and to this end Government shall as and when practicable provide—

(a) free, compulsory and universal primary education;

(b) free secondary education;

(c) free university education; and

(d) free adult literacy programme.

19. The State shall promote Nigerian Unity, as well as total political, economic, social and cultur-

al liberation of Nigeria and all other forms of international co-operation conducive to the consolidation of universal peace and mutual respect and friendship among all peoples and States, and shall combat racial discrimination in all its manifestations.

20. The State shall protect and enhance Nigerian culture.

21. The press, radio, television and other agencies of the mass media at all times shall be free to uphold the fundamental objectives contained in this Chapter and uphold the responsibility and accountability of the Government to the people.

22. The national ethic shall be Discipline, Self-reliance and Patriotism. . . .

(10) The Government of the Federation or of a State shall not adopt any religion as State Religion.

(11) (1) The National Assembly may make laws for the Federation or any part thereof with respect to the maintenance and securing of public safety and public order and providing, maintaining and securing of such supplies and services as may be designated by the National Assembly as essential supplies and services. . . .

30. (1) Every person has a right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty.

(2) A person shall not be regarded as having been deprived of his life in contravention of this section if he dies as a result of the use, to such extent and in such circumstances as are permitted by law, of such force as is reasonably necessary—

(a) for the defence of any person from unlawful violence or for the defence of property;

(b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained; or

(c) for the purpose of suppressing a riot, insurrection or mutiny.

31. (1) Every individual is entitled to respect for the dignity of his person, and accordingly—

(a) no person shall be subjected to torture or to inhuman or degrading treatment;

(b) no persons shall be held in slavery or servitude; and

(c) no person shall be required to perform forced or compulsory labor.

(2) For the purposes of subsection (1) (c) of this section, "forced or compulsory labor" does not include—

(a) any labor required in consequence of the sentence or order of court;

(b) any labor required of members of the armed forces of the Federation or the Nigerian Police Force in pursuance of their duties as such or in the armed forces of the Federation, any labor required instead of such service;

(c) any labor required which is reasonably

necessary in the event of any emergency or calamity threatening the life or well-being of the community; or

(d) any labor or service that forms part of

(i) normal communal or other civic obligations for the well-being of the community;

(ii) such compulsory national service in the armed forces of the Federation as may be prescribed by an Act of the National Assembly; or

(iii) such compulsory national service which forms part of the education and training of citizens of Nigeria as may be prescribed by an Act of the National Assembly. . . .

(2) Any person who is arrested or detained shall have the right to remain silent or avoid answering any question until after consultation with a legal practitioner or any other person of his own choice.

(3) Any person who is arrested or detained shall be informed in writing within 24 hours (and in a language that he understands) of the facts and grounds for his arrest or detention.

(4) Any person who is arrested or detained in accordance with subsection (1) (c) of this section shall be brought before a court of law within a reasonable time, and if he is not tried within a period of—

(a) 2 months from the date of his arrest or detention in the case of a person who is in custody or is not entitled to bail; or

(b) 3 months from the date of his arrest or detention in the case of a person who has been released on bail, he shall (without prejudice to any further proceedings that may be brought against him) be released either unconditionally or upon such conditions as are reasonably necessary to ensure that he appears for trial at a later date.

(5) In subsection (4) of this section the expression "a reasonable time" means—

(a) in the case of an arrest or detention in any place where there is a court of competent jurisdiction within a radius of 40 kilometers a period of one day; and

(b) in any other case, a period of 2 days or such longer period as in the circumstances may be considered by the court to be reasonable.

(11) No person who is tried for a criminal offence shall be compelled to give evidence at the trial.

(12) Subject as otherwise provided by this Constitution, a person shall not be convicted of a criminal offence unless that offence is defined and the penalty therefor is prescribed in a written law; and in this subsection, a written law refers to an Act of the National Assembly or a Law of a State, any subsidiary legislation or instrument under the provisions of a law. . . .

34. The privacy of citizens, their homes, correspondence, telephone conversations and telegraphic communications is hereby guaranteed and protected.

35. (1) Every person shall be entitled to freedom of thought, conscience and religion, including freedom to change his religion or belief, and freedom (either alone or in community with others, and in public or in private) to manifest and propagate his religion or belief in worship, teaching, practice and observance.

(2) No person attending any place of education shall be required to receive religious instruction or to take part in or attend any religious ceremony or observance if such instruction, ceremony or observance relates to a religion other than his own, or a religion not approved by his parents or guardian.

(3) No religious community or denomination shall be prevented from providing religious instruction for pupils of that community or denomination in any place of education maintained wholly by that community or denomination.

36. (1) Every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference. . . .

(5) Every person who is charged with a criminal offence shall be presumed to be innocent until he is proved guilty:

Provided that nothing in this section shall invalidate any law by reason only that the law imposes upon any such person the burden of proving particular facts.

(6) Every person who is charged with a criminal offence shall be entitled—

(a) to be informed promptly in the language that he understands and in detail of the nature of the offence;

(b) to be given adequate time and facilities for the preparation of his defence;

(c) to defend himself in person or by legal practitioners of his own choice;

(d) to examine in person or by his legal practitioners the witnesses called by the prosecution before any court and to obtain the attendance and carry out the examination of witnesses to testify on his behalf before the court on the same condition as those applying to the witnesses called by the prosecution; and

(e) to have without payment the assistance of an interpreter if he cannot understand the language used at the trial of the offence. . . .

(7) When any person is tried for any criminal offence, the court shall keep a record of the proceedings and the accused person or any person authorized by him in that behalf shall be entitled to

obtain copies of the judgment in the case within 7 days of the conclusion of the case.

(8) No person shall be held guilty of a criminal offence on account of any act of omission that did not, at the time it took place, constitute such an offence; and no penalty shall be imposed for any criminal offence heavier than the penalty in force at the time the offence was committed.

(9) No person who shows that he has been tried by any court of competent jurisdiction for a criminal offence and either convicted or acquitted shall again be tried for that offence or for a criminal offence having the same ingredients as that offence save upon the order of a superior court.

(37) Every person shall be entitled to assemble freely and associate with other persons, and in particular he may form or belong to any political party, trade union or any other association for the protection of his interests.

READING 45

We Do Not Kill a Dog Because It Barks

Hubert Ogunde

We do not kill a dog because it barks.

And we do not kill a ram because it butts.

What have I done that you withhold my daily bread from me? . . .

Help me ask from the worthless elder.

Help me ask from the wicked one.

The evildoer runs away, even when no one pursues him.

We have made a promise to our God

That we shall tell the truth, even if it is bitter.

If you have not done ill, why did you stop the play?

If you are not treacherous, why are you afraid of my songs?

Otito Koro ('Truth is Bitter'), 1964.

Note: The British banned the works of Ogunde, a Nigerian playwright, as inciting to discord, a ban imposed also by the first independent Nigerian government. Index on Censorship, v. 9, No. 3, June, 1980.

READING 46

FREEDOM OF CONSCIENCE AND EXPRESSION

Ojiegbe & Another v. Ubani & The Electoral Commission (1961) 1 ALL N.L.R. 277

(Decided by the Supreme Court.) The appellants filed an election petition in the High Court arising out of the general election to the Federal House of Representatives in respect of an Aba constituency which was held in December 1959. The main ground of objection to the election

result was that in that constituency, there were some six to seven thousand Seven Day Adventists who, because of their religious belief which forbade any form of activity on Saturday, had not voted in the election held on a Saturday. The candidate for whom some of them might have voted was defeated by over twenty thousand votes, so that the result would have been the same had they voted. It was contended on their behalf that their fundamental right to freedom of conscience (presumably under section 24 of the Constitution) was violated in that they were subjected to disability or restriction by the holding of the election on a Saturday, especially as their request that the election date should be changed to Friday, 11 December 1959, had been rejected by the Governor-General. The Supreme Court held that no fundamental right of the appellants had been violated and that their election petition had been properly rejected by the High Court at Aba.

Yearbook on Human Rights for 1967. New York: United Nations, 1969.

READING 47

The Duty and Involvement
of the African Writer

CHINUA ACHEBE

In Nigeria, the nationalist freedom movement created a freedom song:

Freedom, freedom

Everywhere there will be freedom!

Freedom for you and freedom for me

Everywhere there will be freedom

Not much of a song. But we sang it to a swinging, evangelical hymn-tune from *Sacred Songs and Solos*. And danced it until our feet gained power beating the hard soil. And Europe capitulated, or so we thought. In the words of Dr. Nnamdi Azikiwe, Nigeria was given her freedom "on a platter of gold." We should have known that freedom should be won, not given on a plate. Like the head of John the Baptist, this gift to Nigeria proved most unlucky. The British who had done precious little to create a spirit of common nationality in Nigeria during the fifty years they were in control, made certain on the eve of their departure that power went to that conservative element in the country which had played no part in the struggle for independence.

Within six years of independence Nigeria was a cesspool of corruption and misrule. Public servants helped themselves freely to the nation's wealth. Elections were blatantly rigged. The national census was outrageously staged; judges and magistrates were manipulated by the politicians in power. The politicians themselves were manipulated and corrupted by foreign business interests.

This was the situation in which I wrote *A Man of the People*. The irrepressible Wole Soyinka put on the stage a

devastating satire *Before the Black-out* which played to packed houses night after night in Ibadan. The popular traveling theatre of Hubert Ogunde and his many wives began to stage a play clearly directed against the crooked premier of Western Nigeria. The theatre group was declared an unlawful society and banned in Western Nigeria. Things were coming to a head in that region. After an unbelievable election swindle violence erupted as a result of the anger and frustration of Western Nigerians. It was in these circumstances that Wole Soyinka was charged with holding up the Ibadan radio station and removing the premier's taped speech!

The point I want to make here is that the creative writer in independent Nigeria found himself with a new terrifying problem on his hands. He found that the independence his country was supposed to have won was totally without content. The old white master was still in power. He had got himself a bunch of black stooges to do his dirty work for a commission. As long as they did what was expected of them they would be praised for their sagacity and their country for its stability.

When *A Man of the People* was published, the wife of a senior British diplomat in Lagos who had hitherto shown great admiration for my work, told me quite plainly that the new book was a great disservice to Nigeria. She made me understand that it was irresponsible to damage the good name of a country which had achieved so much in so short a time. I failed entirely to persuade her that Nigeria deserved to be criticized.

Meanwhile the story got around that the military coup which had been so well received was in fact a sinister plot by the ambitious Ibos of the East to seize control of Nige-

ria. In a country in which tribalism was endemic this interpretation began to find acceptance. Before long many people were persuaded that their spontaneous jubilation in January had been a mistake. A little later it became a fact that only the Ibos had rejoiced. A Nigerian poet who had dedicated a new book "to the heroes of January 1966" had second thoughts after the counter-coup of July and sent a frantic cable to his publishers to remove the dedication.

The story of the massacre of thousands of innocent Eastern Nigerians is well known. A few of its salient features should be recalled. First it was a carefully planned operation. Secondly it has never been condemned by the Nigerian government. In short, thirty thousand citizens were slaughtered, hundreds of thousands were wounded, maimed and violated, their homes and property looted and burned; and no one asked any questions.

Biafra stands in opposition to the murder and rape of Africa by whites and blacks alike because she has tasted both and found them equally bitter. No government, black or white, has the right to stigmatize and destroy groups of its own citizens without undermining the basis of its own existence. The government of Nigeria failed to protect the fourteen million people of its former Eastern Nigeria from wanton destruction and rightly lost their allegiance. Secondly Biafra stands for true independence in Africa, for an end to the four hundred years of shame and humiliation which we have suffered in an association with Europe. Britain knows this and is using Nigeria to destroy Biafra.

Biafran writers are committed to the revolutionary struggle of their people for justice and true independence. They are committed to a new society which will affirm their validity and accord them an identity as Africans, as people. I believe our cause is right and just. And this is what literature in Africa should be about today—right and just causes.

READING 48

HOW NIGERIA IS GOVERNED

Introduction

In any community, it is necessary to have a government. The government of a country has power to make laws. No community can work well unless it has laws which its members can obey. These laws help to protect the rights of people in the community.

In any good community, everyone has freedom to do many things; but no one is allowed to use his freedom to harm other members of the community. For example, students are free to read in the library; but no one is expected to make a noise.

When everybody can enjoy his freedom in such a way that other people are not disturbed, the community is a peaceful one.

The Constitution

Just as a community must have rules to guide its members, government too must function in accordance with certain laws. Such laws stop the government from using its power badly and from acting against the wishes of the people. For example under normal conditions the government of a country is not expected to arrest anyone and keep him in prison without giving him a fair trial. The laws which control the government are contained in the constitution of the country.

Government in Nigeria—past and present

Before the army took over control in January, 1966, Nigeria was a Federal Republic. The Federation was made up of the Western, the Mid-Western, the Eastern and the Northern Regions and the Federal Territory of Lagos.

The Regions were divided into smaller units. Western Nigeria, for example, was divided into provinces, divisions and districts.

At that time, Nigeria practised a democratic system of government. Democracy is a system of government in which the people themselves elect those who are going to rule them. Thus, elections were held in order to give the people an opportunity to choose their representatives.

Local Government

Local government is the government of a village, town, or city or district. Before the democratic system was introduced, each village, town, or city had a head chief who ruled his people with the advice of lesser chiefs.

When the system of elections was introduced into the country the village or town was divided into wards. Each ward elected a candidate from a number of candidates who might belong to different political parties. On election day everybody above the age of 21 who was not a criminal was qualified to vote. The candidate who had the largest votes in each ward was elected a member of the council. He is known as a Councillor.

Duties of local government councils

The duties of local government include.

- a. the building and running of schools.
- b. the building and maintenance of markets.
- c. the building and maintenance of maternity centres and dispensaries.
- d. the award of scholarships.
- e. the construction and maintenance of local motor roads and motor parks.
- f. the collection of rates and taxes.
- g. the supervision of forest reserves in their areas of authority.
- h. the running of local courts.

Regional Government

Each region had a House of Assembly in the Regional capital. The regional capitals were Ibadan for Western Nigeria, Enugu for Eastern Nigeria, Kaduna for Northern Nigeria, and Benin for Mid-Western Nigeria. Laws for use in each Region were made in the Regional Houses of Assembly.

Members of the Regional Houses of Assembly were elected. Before the election, each Region was divided into small units called regional constituencies. A constituency is an area which elects a representative into the House of Assembly. A constituency can be large or small. A person so elected became a legislator in the House of Assembly.

In each Region, there were many political parties. . . . Political parties

put forward candidates, but sometimes there were candidates who were not put forward by any political party. These were called independent candidates. Each political party arranged meetings where the people were told what the party would do for them if they won the election. On election day people voted and the candidate who had the highest number of votes in each constituency was elected a member of the House of Assembly. The party with the largest number of elected members formed the government. The leader of the winning party became the head of the government or Premier, and he appointed ministers to help him to govern.

Federal Government

We have seen that Nigeria was divided into five units. Each unit was divided into a number of Federal Constituencies which elected members to the Federal House of Representatives in Lagos. These members were elected in the same way as those of the Regional Houses of Assembly. Members of the Regional Houses of Assembly were not allowed to be members of the House of Representatives at the same time. Some of the elected members of the House of Representatives were appointed Federal Ministers by the Prime Minister.

Laws for the whole Federation were made in the Federal House of Representatives.

The part played by Chiefs and Senators

Along with the elected members of the Houses of Assembly and House of Representatives were people who did not stand for election.

These were the chiefs and the senators. Important chiefs sat in the Regional Houses of Chiefs. Laws were passed by both the Houses of Assembly and of Chiefs.

Apart from the House of Representatives in Lagos there was the Senate. The senators did not stand for election but were experienced people chosen from the Regions and the Federal Territory of Lagos.

They sat in the Senate to discuss matters forwarded to them from the House of Representatives. The laws for the Federation were passed by both the House of Representatives and the Senate.

Military Rule

On the 16th of January, 1966, the civilian government handed over power to the Armed Forces under the Supreme Commander, Major-General J.T.U. Aguiyi-Ironsi. Many changes followed this take-over. For example, the Regional Houses of Assembly and of Chiefs, the House of Representatives and the Senate were suspended. The posts of President, Prime Minister, and Ministers were also suspended. In addition, political parties were banned. The work of the Federal Government was carried on by the Supreme Military Council and the Executive Council with the Head of the Federal Military Government as the chairman. All the Regional Military Governors were members of the Supreme Military Council.

Administration in the Regions

Each Region was administered by a Military Governor who was advised by the former civilian Governor.

The Military-Governors relied entirely on the Civil Service for administrative purposes. During the second Military Regime under Major General Yakubu Gowon, twelve states were created on May 27, 1967. They are: Lagos, Western, Mid-Western, Rivers, South Eastern, East Central, Kwara, North Western, North Central, Kano, Benue-Plateau, and the North Eastern States. (Refer to the Map of States in Unit III section 3). Soon afterwards, civil commissioners were appointed to the Federal and State Governments. On May 30, 1967, the Military Governor of the former Eastern Region, Lt. Col. Odumegu Ojukwu announced the break-away of his Region from the rest of the Federation. He called the former Eastern Region 'The Republic of Biafra'. The action of Ojukwu was declared illegal by the Federal Military Government. All attempts at peaceful settlement having failed, the Federal Military Government then decided to crush the rebellion by the use of force. This was the immediate cause of the civil war which followed.

Arms of Government

The Legislative: This is the body that makes the laws of the country. The various laws are passed in both the Houses of Assembly and House of Representatives. The houses of Assembly and Chiefs form the Legislature in the Regions while the House of Representatives and the Senate form the Legislature for the Federation.

The Executive: The Regional ministers form the Executive Council for the Regions, while the Federal ministers form the Executive Council for the Federation. They make policies for the smooth-running of the Regions and of the Federation. They also carry out decisions reached at the Legislative Houses.

The Judiciary (Courts): There are two kinds of courts. The first is the indigenous court. These indigenous courts are given different names in various parts of the country. In the former Western and Mid-Western Regions, they are known as customary courts; in the former Eastern Region they are called district courts, while in the former Northern Region they are alkali courts.

The second kind is the English Court. There are Magistrates' Courts, High Courts, and Supreme Courts.

Armed Forces

The Police: In all parts of the country except the East, there were two types of police, namely the Local Government or Native Authority police and the Nigeria police. The East uses only the Nigeria police as it is now the case in all parts of the country. The police are the officers of the peace. It is their duty to maintain law and order in the country. They also help people to find their way, help children across busy roads, and prevent people from committing offences or crimes.

The police are friends of the citizens and so we must always go to them to ask for help or advice when it is necessary. We too must always help them. For example, if a man commits an offence and the police are looking for him, it is the duty of a good citizen to cooperate with the police.

The Army, Navy and the Air Force: These are to protect the country against foreign attack. They also help to keep the peace in the country in time of trouble, for example, riots or civil wars.

The Civil Service: Nigeria inherited from Great Britain a relatively efficient and reliable civil service system. Each State has its own civil service which consists of administrators, technicians, teachers, doctors, clerks and artisans. These people, carry out the policies of the different governments of the country because they have expert knowledge of all matters under their care.

Sanitary Inspectors: These officers visit the houses in villages and towns to advise people about how to keep their houses and compounds clean. People who do not take their advice after several warnings may be taken to court. They also make sure that only good meat and food are sold to the people. They are not expected to harass the people.

School Inspectors: These officers go round schools to advise teachers about modern methods of teaching. They also see that government rules about the running of schools are kept.

Revenue Collectors: These officers collect all lawful taxes, fines, fees, and excise and customs duties and pay them to the Treasury. The monies collected are used for community services such as schools, colleges, hospitals, roads, electricity and water supply.

Auditors: These are officers of the Audit Department. They go round to government and local council offices to check their accounts. This is to make sure that the money collected from the people is well spent for the purpose for which it is meant.

Government servants work for the good of the people. Therefore we must do our best to cooperate with them. For example, some government servants may require information for the proper performance of their duties. If we have such information, we should give it to them. If we are passing along the street and we notice a burst water-pipe, we should report to the police or to the office of the waterworks in the town. In these ways we perform some of our duties as good citizens.

Nigeria's National and State Capitals

The capital of a country is the seat of its national government. In Nigeria, it is Lagos. Each of the newly created States has a capital where the state government is carried on. Before the creation of 12 states, there were Regional Capitals: Ibadan for the West, Kaduna for the North, Benin for the Mid-West, and Enugu for the East. With the creation of states there are now 12 state capitals.

In the Federal Capital, are: the Federal Parliament, the offices of the various ministries, the official residence of the Head of the Nation and the Federal Supreme Court.

There are many foreign embassies and the headquarters of businesses and organizations such as the Red Cross and the Scout Movement. The biggest banks and post-offices are there also.

Many important ceremonies take place in Lagos, and public monuments are set up there. All these draw the attention of the people to the capital as a symbol of national unity.

The former Regional capitals are similar in many respects to Lagos. In them we can find Houses of Assembly, Ministries, important law courts and various business houses.

READING 49

NIGERIA'S NEW TOWN

CARL FINGERHUTH

It was night when we arrived in Owerri last June after a four-hour drive on flooded roads. A prefabricated camp had been erected for the nine of us—four city planners, two architects, two traffic experts, and a construction engineer. There was no running water and limited

electricity. We had come to map out a capital for the new Nigerian state of Imo.

Today Imo has 5 million inhabitants, with some parts of the state having the highest density of any agricultural region in the world. Owerri is a provincial city of 75,000. Because the Ibo tribe has its roots in the family and in an agricultural economy there are no large cities. The region is literally a network of villages, with concentrations of population at various marketing centers.

Early last year Owerri was just one such center but virtually overnight, following creation of the new state, 12,000 government employees were transferred there—

bringing TV sets, air conditioners, and electric razors. A few found hotel rooms but the rest had to make do in the surrounding villages.

When I was first received by the Governor, the desks had not yet arrived and typewriters were set up on chairs. But the administration functioned surprisingly well. By the end of May we had signed a contract to complete our planning within a year. In most cases a planner must recognize future growth early. In the case of Owerri a base of 200,000 inhabitants was necessary, and they would need roads, homes, and schools. Within two months we had to have a preliminary plan

so the Government could make decisions.

We had to make immediate proposals about road construction, residential areas, and water supply. When, at the end of June, we presented our preliminary concept to the local planning commission

I was amazed at the speed of their approval. The Governor asked questions for a half-hour, then approved the concept. That afternoon we toured the site with the local planning chief, who made decisions on the spot about buildings to be torn down and sites of main roads. Nine months later thirteen miles of municipal thoroughfares are under construction.

It is fascinating to return to Owerri after a month's absence and see lines committed to paper late at night transformed into permanent roads. There will be mistakes, given the speed of the project. Suddenly a main road is 10 degrees off course, or a contractor starts building a school on a freshly graded road—a school that was part of an original plan but should have been removed.

There are two reasons for the pressure: the military government, which has promised to step aside within two years, wants to make the most of its time, and after the suffering of the Biafran conflict the Ibo population finally has a chance to

help in a massive reconstruction project.

There are huge problems for the European experts, especially in dealing with those who have not gone to school. One member of the planning commission, a priest, had difficulty visualizing our aerial photographs. We had to translate our abstractions into different perspectives—bird's-eye views or three-dimensional models. It was only after we had explained the models that we could embark on meaningful discussions.

City planning is only secondarily technical—streets, sewage, schools. The first consideration must be social and economic goals, the needs and desires of the people. The most important attribute of a city planner—as one noted member of the profession expressed it—is the ability to listen. To listen correctly you must understand the language—not just the words but shades of meaning.

We listened to local authorities who could tell us whether the cemetery should be next to the cathedral or to the slaughterhouse, whether the soccer stadium should be in the city center or on the outskirts. This question, in fact, triggered heated discussions. After it was agreed that the stadium would be the city's main building, and that it should be downtown, it was pointed out that the governor's mansion would be there and the

noise might be disturbing. The quick rejoinder was that the governor was likely to be present at major games.

A more elusive problem was that European experts were planning a city for people whose lives still revolved around market days. No amount of planning could create a city equivalent to a gigantic African village. Necessities dictated something fairly close to one of our cities. The real question was how to do this while preserving the social heritage and cultural reality of Nigeria.

Our plan was for a linear city, residential areas alternating with places of work. The transportation system was so designed that it would provide the shortest distance to and from work for the greatest number of people. We left lots of space for future growth. Above all we sought to include the "African element."

It remains to be seen whether we were successful. Behind our bungalows we had laid out a patio roofed over with a hutlike structure. We were always pleasantly surprised at how quickly visitors took to this mid-European transplant. This raised our hopes that it would be possible to link European city planning and technology with "native"—in this case African—concepts and needs. We foresee a fusion of the two concepts. ■

World Press Review, v. 24, No. 7, July, 1977.

READING 50

Nigeria's Born-Again Democracy: Africa's Largest Nation Returns to Representative Government

Rewrite of interview with Sola Odunfa, editor of Nigeria's largest independently-owned newspaper, *The Punch*, Lagos. Questions are repeated as asked, responses have been summarized for student use.

Q: The rebirth of democracy in your country—Africa's largest—is a significant event. What brought it about?

A: We needed a military government in 1966 because of a crisis in the country, but we are basically a free country with democratic institutions. The military ruler, General Gowon, was overthrown because he refused to step down. The new military government agreed to hand over the government to democratically elected officials, and it did so on October 1, 1979.

Q: What are the roots of Nigeria's tradition of freedom?

A: Before we were a British colony our communities were ruled by a council of elders composed of the head of each family.

Q: What is your new president like?

A: President Shagari is a former businessman. He is a conservative politician and belongs to the strong National Party. The former military government reorganized our country into 19 states, and Mr. Shagari appoints one representative from each state for his Cabinet. Under such a system I think the "tribal" or ethnic influence will be subdued.

Q: What are the new Government's Economic plans?

A: Nigeria's major economic problem is agricultural. We have neglected agriculture since we discovered oil, and now must import food. Mr. Shagari's slogan was "Food and Shelter." Our government is more open now, and we will watch the government spending closely.

Q: Is there constitutional protection for such monitoring?

A: There is no constitutional guarantee of press freedom, but in recent years the Nigerian press has had greater freedom than ever before. The press will become even bolder in the future.

Q: Who owns most Nigerian press organs?

A: The federal government owns all TV stations, the

national radio station, and the "Daily Times," the newspaper with the biggest circulation. Other newspapers are tied to political parties, owned by state governments, or are independently owned. Our constitution allows independent TV and radio stations.

Q: Are labor unions influential?

A: Labor unions are independent and workers are not forced to join. Strikes were not permitted under the military government, but that may change because of the new Constitution. The best selling book in Nigeria today is the constitution. Everybody wants to practice their new rights.

Q: Will strikes then be likely?

A: No, but inflation is high and the unions want higher wages.

Q: Where is economic hardship the greatest?

A: Because of our many wars people are leaving the poor conditions in the country and are overcrowding the cities. But city services—water, electricity, health facilities are inadequate. Agriculture is being emphasized so people who are unemployed will return to the rural areas. We sell our oil at prices that may seem high but we have to pay for the increased prices of other products.

Q: What do you foresee for North-South economic relations?

A: Education and the media will help here. The people of the country must support a new international order.

Q: Will Nigeria play a larger role in the Organization of African Unity?

A: We will continue to support the freedom movement in Africa, but will basically not ally ourselves with any specific country.

Summarized from *World Press Review*, v. 27, No. 2, Feb. 1980.

READING 51

Nigeria, a Year Away from Military Rule, Struggles to Build a U.S.—Style Democracy

Pranay B. Gupte

Lagos, Nigeria—. . . Eleven months after the inauguration of President Shehu Shagari and a constitutional system fashioned after the American model, which ended 13 years of military rule, Nigeria is trying to insure its success as Africa's biggest democracy.

Examples abound. No arrests may be made without warrants, and gone are the days when suspects could be held for months without charges. The once-feared Nigerian Security Agency now treads warily when it comes to detention and interrogation. And so litigious have lawyers and their clients become in the

pursuit of civil liberties that the backlog in the Lagos courts is expected to take at least six years to reduce . . .

Everywhere in Nigeria these days democratic processes seem to be at work. Walls and lampposts are covered with posters advertising positions adopted by the five major political parties: the President's National Party of Nigeria, the Nigeria People's Party, the Unity Party of Nigeria, the Great Nigeria People's Party and the People's Redemption Party. The 55-year-old President, a light man who always wears the traditional long robe, is often caricatured, sometimes tastelessly . . .

The Government says it wants to avoid repeating mistakes and asserts that it will concentrate on developing agriculture so that Nigeria can reduce the \$1 billion it spent last year to import food.

The Government is also focusing on building schools—only a fifth of the 25 million school-age children can go to school—and on improving communications . . .

New York Times, Aug. 17, 1980.

READING 52 *Nigerian Tribune*, Feb. 12, 1979.

Chief Akinjide misfired

PERMIT me some space in your daily to express my views on the political debate between the Unity Party of Nigeria representative Mr. Bola Ige and that of the National Party of Nigeria Chief Akinjide which was transmitted by N.T.V. Ibadan on January 12 this year. I seize this opportunity to thank the moderator of the programme who used his initiative to stop the programme half way.

It is embarrassing to hear from Chief Akinjide that those who attended Chief Awolowo's first ever free primary education are all thieves.

Chief Akinjide would be doing himself and his Party a lot of good if he apologises to Chief Awolowo and those Nigerians who benefitted from the scheme before it is too late.

The reason why the apology is very necessary is that Chief Akinjide had forgotten that his household benefitted from the introduction of this free primary education which started in the year 1955.

Chief Akinjide has come out to mention that all Nigerians who attended the first free primary Education introduced by Chief Obafemi Awolowo are all thieves, thugs and armed robbers. It is ironical.

Chief Akinjide could not present any good manifesto. He ought to give us some examples to substantiate his allegation that those who attended Chief Awolowo's free primary education are now thieves. If Chief Akinjide would be sincere to himself he will see clearly that those he described as rogues, thieves are now Medical Doctors, Lawyers, successful businessmen.

Even some are Clergymen. They have now been contributing their own quota to the development of this great nation of ours.

Chief Akinjide should now sit tight and work towards achieving at least one percent of what Chief Awolowo has achieved.

E. ORUNMUYIWA,
Ibadan.

READING 53



Nigerian Observer, Feb. 12, 1979.

READING 54

Visit to Lagos, Nigeria: Nigeria's New, U.S.-Style Consitution

Harry M. Scoble

On October 1, 1979, Nigeria undertook a sharp departure from both the preceding thirteen years of military rule and also the earlier post-Independence governmental forms of civilian rule. The military returned power to a new civilian government under a new constitution.

It is relevant to note, however, that the era of Nigerian military governance comes close to being unique in modern history, for as victors in a civil war, the Nigerian military elite proved far more compassionate than, for example, the U.S. North at the end of its military victory. And, compared with the military regimes of Argentina, Brazil and Chile in Latin America, and of Indonesia, the Philippines, South Korea and Taiwan in Asia, the Nigerian military elite must on all available evidence be judged to have been far more devoted to nation-building and a meaningful form of nationalism, to a goal of modernization going beyond sheer growth in GNP, to a third-force form of foreign policy which also advanced international human rights. Illustrations of this are found in Nigeria's role in the UN Human Rights Commission, its co-leadership of the movement to draft a pan-African human rights convention, and its

use of "the oil weapon" to help cut down Lt. Jerry Rawlings in neighbouring Ghana. All available evidence also suggests that the other military dictatorships cited above have been far more brutal than the Nigerian. While it is true that in the 1966-1979 period, Nigeria witnessed political exile (with Gowon and Ojukwu the most prominent cases--but Ojukwu's wife and children reside in and travel freely in and out of the country), and while preventive detention existed on the books--a legacy of the departing British masters--and was implemented, there is no evidence of: torture during (or after) interrogation, of police or paramilitary "death squads," of Argentine "disappearances" (called "salvaging" in Marcos' Philippines), of Indonesia's long-term prison-islands (after the slaughter of the real and imagined PKI) or Taiwan's Green Island prison camp or the South Korean Special Forces' recent massacre of the rebellious civilian population in industrial Kwangju. In short, when compared with other Third World nations at fairly comparable--or higher--levels of development, the thirteen years of military dictatorship in Nigeria appear moderate. And they are uniquely characterized by the military--in partnership with constitutional law specialists, political scientists expert in political party and electoral-representational legislation--having prepared a systematic, intelligent, and honestly-adhered-to plan and timetable for retirement from power.

Given the above background, and also the fact that there was no Congress (as in Senegal) around which to conveniently organize my information-gathering, I decided to focus on the new Nigerian Constitution of 1979 and domestic civil rights/liberties questions quite as much as on problems of international human rights. My informants were: three top officers of the Nigerian Bar Association (two of whom I had first met and talked with in Dakar); the director of the federally-funded Legal Aid Council; the deans of the two law schools in Lagos; the chairman of the political science department at the University of Nigeria-Yaba (on the mainland); the chief librarian of the Nigerian Institute of International Affairs; and three practicing attorneys. These were supplemented with interviews with the Secretary-General of the Nigerian Section of Amnesty International which, with the AI sections in the Ivory Coast, Ghana, and now most recently in Senegal, are the only AI national units extant in the 40 black African nations (excluding the Arabic countries, South Africa and Namibia); with two political counsellors at the US Embassy, one US ICA staff person, the assistant to the Ford Foundation Director in Nigeria, and others I met more casually.

The 1979 Nigerian Constitution was the focal point of much popular interest well before the October 1, 1979 transition date: so much so that bookstores, and even street-corner newsvendors, were selling copies at 1 Naira (i.e., \$1.80); yet by the time of my visit in late May, copies were not to be had at any point on Broad Street (which is the lawyers' Wall Street of Lagos). The document--some 279 sections with six special schedules, or 120 pages--is unfortunately as detailedly long as a proverbial Louisiana (state) Constitution: it equally embodies much that American constitutional law experts would term unnecessary, ordinary legislation and thus (in their view) violates that rule of generality (or of ambiguity of political language) which has permitted the American counterpart to survive for 204 years. Whether the implicit dire predictions will be borne out remains to be seen for the Nigerians are prime examples of homo politicus; and they deeply impressed me as relatively non-ideological, pragmatic, flexible and innovative. In any event, the Nigerians have a new constitution which breaks sharply with the British parliamentary model.

They have now opted for a written constitution with an embedded Bill of Rights; separation of powers, with a separately elected President, a National Assembly made up of the House of Representatives (450 members) and their Senate (with 5 from each state, totalling 95), and a federal court system with the Supreme Court of Nigeria at the apex; bicameralism at the national level but unicameral state Houses of Assembly; and, of course, federalism. Meanwhile, some of the peculiarly Nigerian constitutional innovations are: including the Constitution of the states in the federal constitution; providing for the new Federal Capital Territory (a la Brasilia, to

draw population inland and also to move the national capital eastward and away from the influence of the formerly dominant Yoruba in the five Western states); fusing American and Arabic court systems (i.e., providing a Sharia Court of Appeal for any Muslim State requiring/desiring one); providing that the national legislative business be conducted in English "and in Hausa, Ibo and Yoruba when adequate arrangements have been made therefor"; and, finally, a national constitutional guaranty of a "system of local government by democratically elected local government councils."

Nigeria is only one of three nations in sub-Saharan black Africa providing free legal assistance in any form: Malawi first initiated the experiment; the Zambia, which copied Malawi yet made its joint public-private legal aid services program more progressive and comprehensive. A Nigerian lawyer I discussed this with--C. Uchenna Osakwe--served in Zambia's program for five years before assuming the directorship of Nigeria's governmentally-run Legal Aid Council in 1977. In Nigeria, the program is also less progressive and comprehensive than Zambia's because it is limited to major felonies only; even so, Osakwe was able in three years to expand his staffing from 12 to 19 staff offices and to expand their effective operational mandate to include workmen's compensation and negligence cases.

For the past year, the Nigerian Bar Association has had a Human Rights Committee, created largely by the initiative of the NBA President. Unfortunately, following its formation, the Committee has done little. Nigeria has a section of Amnesty International: however, the Nigerian AI--as with all Amnesty groups--does not handle domestic human rights cases and adopts only prisoners of conscience in other countries. Yet Nigeria, as all nations, has human rights problems to deal with on the home front. While in this critical transition period, there have been many encouraging signs--most notably, the best efforts of the newest "Founding Fathers" and of the Nigerian Federal Electoral Commission, in striving for national political parties and in reducing 52 claimant "political parties" down to a more manageable number in 1979, and in keeping tribalism-regionalism in check--there have also been some disturbing precedents. Among those discussed with me during my visit were the following:

- a reporter for the National Concord (opposition newspaper) wrote that no quorum was possible in the National Assembly because the legislators were in a nearby bar drinking; thereupon the National Assembly voted to bar that reporter from the legislative premises--the newspaper did not sue, the reporter was humiliated, and a bad precedent (similar to the unchallengeable British-type parliamentary privilege and contempt power that have proven so threatening to a leading lawyer and a major newspaper in Sri Lanka the past two years) has been set;

- the Deputy Speaker of the House Assembly of the State of Borno (a stronghold of the Great Nigeria People's Party but which ranks a small second within the three opposition parties nationally) was picked up by the national (i.e., NPN/NPP controlled) Immigration authorities, put in a truck, hauled to the northeastern border and literally thrown into neighbouring Chad with the epithet: "You're a Chadian!"

- court actions now working their way through the federal court system brought by the Archbishop of the Diocese of Lagos and by the Trustees of Corona College (a private elite college) to forestall the attempted abolition of private-parochial educational institutions in Nigeria;

- several states, 1979-1980, ordered local authorities to hold their local elections using the registration roles prepared by the Federal Electoral Commission (FEDECO) in 1978; but in doing so would deprive new-young voters of the franchise and thus far the states' high courts in which challenges have been brought have agreed with the deprived plaintiffs;

- several state governments have suspended or dissolved local government councils and (in the interests of strengthening the locally-dominant party) have substituted partisanly-pure "management councils" instead; thus far only the Lagos and Bendel State High Courts have ruled these UPN maneuvers unconstitutional; and

- in late February of this year, the police driver of a "black maria" drove his loaded load of more than 35 prisoners to the local criminal court. As there was no adjoining jail or holding-tank, he simply parked the van in the open, sunlit courtyard and left for his morning coffee. When the van was unlocked, at least 35 prisoners suffered heat prostration, suffocation, death. Not deliberate, just incompetent--but this, too, constitutes a violation of human rights.

At this juncture in their history, Nigerians are understandably concerned with examples of the sort noted above in the context of their new social and political experiment. Yet, as several lawyers acknowledged, what Nigeria lacks is a domestically-oriented pressure group on the model of the U.K.'s National Council on Civil Liberties or the American Civil Liberties Union. It lacks an organization which can both litigate and lobby in defense of civil rights and liberties and which could also cooperate with the Legal Aid Council in developing priorities for precedent-setting class-action suits. (The California Rural Legal Assistance program of the 1965-1972 period is the most activist exemplar I am familiar with.) There is, indeed, substantial interest in creating such an organization and we may very well see its emergence over the coming year.

Human Rights Internet Newsletter, v. 5, June-July 1980.

READING 55

Dakar Organizing Congress of the Inter-African Union of Lawyers, May 21-25, 1980, Resolutions.

General Resolution on Human Rights

African lawyers, joined in Dakar at a Constitutive Congress of the Inter-African Union of Lawyers...have begun to analyze the human rights situation in Africa:

Stating that:

- human rights are indivisible and cannot be separated into civil and political rights as against socio-economic and cultural rights, or individual rights on the one hand and the collective rights of peoples on the other;
- the diverse proclamations concerning rights encompassed in positive African law are at odds with the daily violations perpetrated by African political authorities;
- in Africa, as elsewhere, certain violations are so grave that they must be considered as crimes against humanity, including: torture, degrading and inhuman treatment, mass crimes, mercenaries.

Saluting the decision of the Organization of African Unity to endow the continent with a Charter of Human Rights and the Rights of Peoples and with a mechanism for guaranteeing these rights.

But Fearing

- lest this Charter become a simple profession of faith because of the reticence of certain African states and, from another side, that certain political authorities might use human rights as a means of mystification.

The African lawyers draw to the attention of the OAU the necessity of setting up an effective mechanism for guaranteeing human rights:

1. by creating an Inter-African Commission of Human Rights that will be totally independent of states and of governments;
2. writing into the Charter that the Commission may render its conclusions on a case publicly each time that the concerned state does not take action to remedy the violations denounced; and
3. amending article _____ of the constitutive Charter of the OAU to permit the creation of a Commission of Human Rights distinct from the Inter-African Commission established by the African Charter of Human Rights.

Demanding from African governments that they amend their legislation to bring it into accord with fundamental human rights, to end all arrests and detentions that are not regulated by law and by a civil jurisdiction (*une juridiction ordinaire*) and to henceforth cease going against the regular decisions taken by the courts.

Launching an urgent appeal to the international community finally to create, under the aegis of the United Nations, a permanent international tribunal for the suppression of crimes against humanity, it being understood that crimes against humanity are violations of the gravest sort against human rights and the rights of peoples: mass crimes of governments against their people, the aggression of mercenaries, etc.

Recommendations of the Commission on Human Rights to the Inter-African Union of Lawyers

The Commission on Human Rights and the Rights of Peoples, constituted at the constitutive Congress of the Inter-African Union of Lawyers... after a long and deep debate on the question of the protection of human rights and the rights of peoples, has formulated...[the following series of recommendations]:

Considering that the question of human rights and the rights of peoples has a special importance for the African continent, which is still at a level of underdevelopment economically and socially and which has been dominated by imperialism, colonialism and neo-colonialism exerted on and in our countries;

Considering the imperative necessity of establishing a Human Rights Institute under the Inter-African Union of Lawyers, with adequate means for the protection and promotion of human rights and the rights of peoples;

Makes its recommendations in four parts:

1. Institutions

The Congress recommends to the Union that it create a Permanent Commission on Human Rights and the Rights of Peoples that will be an organ of the Institute and whose mission will be to monitor violations of human rights in all African countries; to hold press conferences or colloquia in one or another African country on questions submitted to the Commission by its sections, which will be established by each bar or member state of the Union; to undertake missions of inquiry in serious cases of violations wherever possible; etc.

Invites the Union to encourage the practice of instituting an African Day of Solidarity with peoples, national minorities, individuals, which are the victims of foul play (Bribe), imprisonment, torture, illegal detention, kidnapping, etc.

Suggests to the Union that it launch an appeal to the international community and to peaceloving countries, international organizations (U.N., OAU) to establish a Permanent International Tribunal to Judge Crimes Against Humanity, a tribunal that can be inspired by the statutes of the Nuremberg Tribunal.

2. Information

Considering that the right to information --freedom of the press, written, oral or televised information--is an integral part of human rights;

Considering that the international and national information orders today are controlled by large press and state monopolies and, therefore, are inevitably silent about violations of human rights, or have a specific orientation toward information bearing on rights;

Recommends to the Union the creation of an African Bulletin on Human Rights and the Rights of Peoples, which will have as its mission the publication of Inter-African and world violations that are perpetrated in African countries. This Bulletin should be managed by the Institute of Human Rights.

3. Legislation

Considering the inadequacies of African legislation for the protection of human rights;

Invites the Union to assist African states to become aware of legislative texts guaranteeing the intangible rights of man and of citizens in the different phases of criminal procedure, the rights of the defense in the course of preliminary investigation;

Recommends to the Union that it work to secure the total abolition of exceptional jurisdictions [courts and law], especially Courts of State Security;

4. International Relations

Considering the stage of development of our countries and our institutions and the scarce means at our disposition in the first instance;

Considering the important work already realized by the OAU, the existence of international organizations for the defense and protection of human rights;

Invites the Institute to establish collaborative relations, to coordinate with non-governmental organizations devoted to the promotion, protection and dissemination of human rights;

Human rights and the rights of peoples should be protected against states, thus, the African Institute of Human Rights should not only be a non-governmental organization, which is the concern of the Union, but it should accept no government or diplomatic persons to serve as its directors or executives.

The creation of the Inter-African Union of Lawyers marks an important stage in [the development] of our continent, enlarging and guaranteeing the rights of the defense, which is an inseparable and integral part of human rights and the rights of peoples.

Men and people with defense are men and people without rights. Men and people without rights are men and people with no defense.

READING 56

Nigeria Police Regulations, 1968

DUTIES OF WOMEN POLICE

115. Women police officers shall as a general rule be employed on duties which are connected with women and children, and shall be particularly employed in the following duties:

- (a) Investigation of sexual offences against women and children;
- (b) Recording of statements from female witnesses and female accused persons and from children;
- (c) Attendance when women or children are being interviewed by male police officers;
- (d) The searching, escorting and guarding of women prisoners in police stations, and the escorting of women prisoners to or from police stations;
- (e) School-crossing duties;
- (f) Crowd control, where women and children are present in any numbers.

116. Women police officers recruited to the General Duties Branch of the Force may, in order to relieve male police officers from these duties, be employed in any of the following office duties, namely—

- (a) Clerical duties;
- (b) Telephone duties;
- (c) Office orderly duties.

WOMEN POLICE — MISCELLANEOUS CONDITIONS OF SERVICE

117. A woman police officer shall not be called upon to drill under arms or to take part in any baton or riot exercise.

118. A woman police officer who is desirous of marrying must first apply in writing to the commissioner of police for the area command in which she is serving, requesting permission to marry and giving the name, address, and occupation of the person she intends to marry. Permission will be granted for the marriage if the intended husband is of good character.

119. A married woman police officer shall not be granted any special privileges by reason of the fact that she is married, and shall be subject to posting and transfer as if she were unmarried.

120. A married woman police officer who is pregnant may be granted maternity leave in accordance with the provisions of General Orders.

121. An unmarried woman police officer who becomes pregnant shall be discharged from the Force, and shall not be re-enlisted except with the approval of the Inspector-General.

Yearbook on Human Rights for 1968. New York: United Nations, 1970, pp. 310-11.

READING 57

NIGERIA

On October 1, 1979 Nigeria inaugurated its first civilian government in 13 years. During the period from 1966-1979 several coups and a civil war occurred, but General Murtala Muhammed and his successor Lt. Gen. Olusegun Obasanjo, made clear their intentions to return Nigeria to civilian rule and adhered to a schedule to meet this goal.

On September 21, 1978, a 12-year state of emergency and ban on political activity were lifted. National elections were held during July-August 1979 for a President and members of a National Assembly, and for state governors and legislators. In general, the elections were free and fair, and all persons over 18 were encouraged to register and vote. The Federal Electoral Commission declared Alhaji Shehu Shagari the victor in the Presidential election, but one of his opponents appealed the decision to the election tribunal and the Supreme Court, in accordance with established rules. The decision was ultimately upheld, and Shagari was peacefully inaugurated as scheduled.

Chapter IV of the new Nigerian constitution, which was promulgated on October 1, 1979 contains broad human rights guarantees. Chapter III of the 1963 Constitution, in force until October 1, also contained broad human rights guarantees, which were generally observed by the Federal Military Government (FMG).

1. Respect for the Integrity of the Person, Including Freedom from:

a. Torture

Torture is prohibited by law and is not condoned. However, reports have been received indicating that persons suspected of crimes are sometimes beaten for the purpose of extracting confessions.

b. Cruel, Inhuman or Degrading Treatment or Punishment

Cruel, inhuman or degrading treatment or punishment is not condoned. Nigerian prisons lack many modern facilities and there are a few reports that some prisoners have been mistreated. The government is now in the process of contracting with an American company to build 34 modern prison facilities. There are no summary executions and the Department of State has no knowledge that the International Committee for the Red Cross has ever been denied access to detainees.

c. Arbitrary Arrest or Imprisonment

Although not common practice, there have been instances of arbitrary arrest when the government believed an emergency or a threat to internal security existed. The right of habeas corpus exists and has been honored since the end of the state of emergency in late 1978. In February, 1979, the FMG issued a decree that gave the Inspector General of Police special powers to detain individuals for indefinite periods for acts "prejudicial to public security." The decree, issued to give officials authority to quell any disturbances or threats to internal stability during the election process, was rescinded on September 30, 1979. On occasion the FMG has acted rapidly to detain people involved in activities that might have led to political violence. Normally they have been released once the immediate threat of violence passed. The Department of State has no knowledge of any political prisoners currently being held clandestinely in Nigeria.

d. Denial of Fair Public Trial

Fair public trials are the norm, and the ordinary Nigerian receives justice from the courts under both traditional and statutory law. The Public Officers (Special Provisions) Decree of March 2, 1976, denies dismissed public officials the right to seek redress in court.

Both the new and the old constitutions provide that an accused individual is entitled to a fair public trial unless government officials can satisfy the court that it would not be in the public interest for the matters at hand to be publicly discussed. Prisoners must be advised of the charges against them, have access to legal counsel, be

informed of the evidence on which charges are based, and be given adequate time and facilities for the preparation of a defense. These rights seem to be honored in practice and the Department of State is not aware of any incidents of harassment of defense counsel by the government. The judiciary is independent of military or executive control, and individuals have the right of redress to a high court. The Department of State is not aware of any civilians being tried by military courts, nor is it aware of any special courts to deal with political or security matters.

e. Invasion of the Home

The right to be free from invasion of the home has been protected by FMG policy and is guaranteed in the new constitution. Judicial warrants are required before a home can be entered. The Department of State is not aware of any violations of this right.

2. Government Policies Relating to the Fulfillment of Such Vital Needs as Food, Shelter, Health Care and Education:

Nigeria has a mixed economy with some government ownership but with ownership of most businesses in private hands. The government has introduced programs designed to fulfill basic needs for food, shelter, improved health care, and education. The new government has announced that the development of agriculture will be a top priority. There are extremes in the distribution of income and wealth, with most of the resources concentrated in the hands of a small minority. Nigeria has a progressive tax structure. A primary goal of the 1975-80 development plan and the current annual budget is to accelerate economic growth and improve the living conditions of the poor. One feature of the development

plan is to provide free primary and secondary education to all Nigerian children. The success of the Universal Primary Education program has been limited by the unavailability of census data and the shortage of schools and trained teachers. Nigeria's literacy rate is estimated to be about 25 percent.

The Land Use Decree No. 6 of 1978 provides that land in Nigeria cannot be owned by private individuals, but is instead held in trust by the governors of the various states. Customary right of occupancy is granted rent-free by the local governments when the land is used for agricultural purposes. Rent is charged for statutory occupancy, but fees can be waived or reduced if a state governor determines that it would be in the public interest to do so. Adequate shelter continues to be a problem. Health care is generally available, but is limited by the lack of trained personnel and adequate medical facilities. The extension of health care is one of the goals of the 1975-80 development plan.

Private and public resources are diverted from needed development projects because of corruption which remains an endemic social and political problem. The government, however, has condemned and taken legal action to discourage corruption.

3. Respect for Civil and Political Liberties, Including:

a. Freedom of Speech, Press, Religion and Assembly

In February, 1979, the FMG published Public Order Decree No. 5 which prevents assemblies that threaten public order and requires potential assemblies to obtain a license from the state military administrator. The new constitution prohibits membership in secret societies.

Censorship of the press has been minimal and infrequent; the government banned one periodical in 1978, allegedly for exacerbating tribal and religious tensions. In December, 1978, the FMG enacted the Nigerian Press Council Decree No. 31 which establishes a code of conduct for journalists, provides for their registration, and imposes penalties on those who do not follow the decree's code of conduct. The FMG occasionally suspended or called in for questioning journalists who published stories or cartoons on political developments which the government found inaccurate or inopportune. All TV and radio broadcast organizations are

wholly owned by the government, and the new constitution proscribes the ownership of TV and radio stations by private individuals unless authorized by the President. In addition to federal and state government newspapers, there are a number of privately owned dailies, weeklies and magazines.

All of the media are frequently critical of the federal and state government policies. The government is attentive to such criticism and public reaction to it. Journalists are sometimes detained by FMG for short periods of time, but the Department of State is not aware of any currently under detention.

Both the old and new constitutions provide for freedom of speech, press, religion and assembly. Nigerians are free to practice the religion of their choice and no religious groups are discriminated against.

b. Freedom of Movement Within the Country, Foreign Travel and Emigration.

These freedoms are guaranteed by law and are respected.

c. Freedom to Participate in the Political Process

During the July-August 1979 elections, all citizens 18 years of age and older were allowed and encouraged to vote. The ban on political activity had been lifted in September, 1978. Shortly thereafter the Federal Electoral Commission granted political party status to five of the 52 political associations that subsequently sprang up on the basis of their being able to prove they had organizations in at least 13 of the 19 states. In contesting the elections all five parties functioned freely, had access to the media and conducted public meetings. The performance of the five parties during the elections stood in marked contrast to the elections during the early 1960's under the First Republic, when politicians used coercion and thuggery.

Women in Nigeria are entitled to all rights guaranteed under the Nigerian constitution and can challenge anyone who attempts to interfere with the exercise of those rights. Under statutory and customary law as well as custom, there are many areas in which they do not enjoy the status and conditions of men. An unmarried woman, who is 21 or above, has the legal capacity to sue and be sued, to buy and sell property, to engage in business or a profession and to choose her own residence. However, married women cannot control their own property, cannot enter into loan or purchase agreements and cannot obtain a passport or travel outside the country without their husbands' consent.

Further examples of discrimination against women include an absence under customary law of rights to husbands' property or income, apart from the right of support, and limitations on the right of divorced women to remarry. There is no law against a married woman's working, but, except in government service, there is no guarantee of equal pay for equal work. Traditional education for women is limited to homemaking skills. Women make up only a small portion of the top levels of the business, government and academic communities, although their roles in these areas have grown over the years. The federal and state governments and women's groups, such as the National Council of Women, are actively working on women's problems and rights. Several of the candidates in the recent elections were

women, and there were more registered women than men voters. One woman has been appointed a minister, and another a deputy minister; three women were elected to the National Assembly.

There are 42 industrial unions and one labor federation, the Nigeria Labor Congress (NLC), to which all the unions belong. The NLC was founded on March 1, 1978 and has a membership of more than three million. During the past year the NLC and the industrial unions have been more preoccupied with establishing branches at the state level than dealing with workers' issues. However, in May, 1979, the NLC began to flex its muscles and issued an ultimatum to the FMG demanding, *inter alia*, a lifting of the wage freeze within 21 days. Unions, with the exception of those involved in "essential services" such as port operations and transport, have the right to organize, bargain collectively and strike.

4. Government Attitude and Record Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights:

The Department of State is not aware of any recent request by an international or non-governmental institution to investigate human rights conditions in Nigeria. The Nigerians have maintained a high interest in human rights violations throughout Africa and have been willing to consider violations in other countries. Nigeria supported human rights issues which arose during the 1979 OAU and NAM meetings and the Nigerian Bar Association created a Human Rights Committee to monitor the newly elected civilian government's implementation of human rights provisions in the constitution.

Country Reports on Human Rights Practices for 1979, U.S. Department of State, Washington: Superintendent of Documents, 1980.

READING 58

Statement of C. Sylvester Whitaker

... Nigeria has taken a very significant forward step in the new framework of government it has introduced. [I shall try] to relate the justification for such a relatively sanguine point of view to the turbulent Nigerian politics of the past. There is no question that its history has been very difficult, marked by breakdowns of civil order, of coups d'etat, and a succession of different versions of a military regime, and indeed none of the various regimes over the past 20 years have had an easy time of it, to say the least ...

Contrary to a lot of impressions of Nigerian politics, [however], there are a number of things that are commonly thought to lie at the base of conflicts within Nigeria that ... on reflection are at best superficial and maybe downright misleading ...

One can begin an analysis such as this by saying what are *not* the past sources of Nigerian crisis. I believe that neither economic nor political ideology nor religion nor external State relations nor tribalism, which ... really means, if it means anything informative, a natural predisposition to hostilities, none of these, on close examination, can really be held responsible for what happened in Nigeria ...

One of the helpful perspectives to have about Nigeria is that the political system was negotiated not only under the auspices of a colonial power, but in circumstances that put a great deal of pressure on the leaders of the time to accept the least line of resistance to colonial terms for withdrawal.

In doing that, ... they were also very inclined to feel that they should impress the world with their willingness to operate within the framework of pure Western parliamentary forms, and ... they have paid a very heavy price for that particular contest with the colonial power and with world opinion.

So, in [the following] analysis ... I have been particularly concerned to try to spell out the implications of that price on the one hand, and on the other, to draw attention to the fact that ... in Nigeria today ... the present leaders have had the courage and boldness to depart from any emulative path of political management. [They have said], we are going to

make our central point of reference for the construction of this new second chance for democracy Nigerian experience, and to try to construct institutions accordingly.

One of the costs, ... is the whole assumption that underlay the way in which political parties were envisaged in the original 1959 or 1960 independence constitution. The most useful picture of that expectation is contained in the British-appointed Willnik or Minorities Commission report of 1957 which said, in effect, yes. Nigeria has these enormous problems of diversity, over 250-some separate, discrete ethnic groups.

It has problems of religious cleavage. It has problems of profoundly different degrees of preparation for the modern world, but they said ... by giving free reign to conflicts rather than trying to contain or suppress them, you will establish a foundation in the very free play of conflict that will ultimately knit Nigeria together and provide it with stability ...

It is easy to have hindsight, [of course], but it seems to me that this was a profound misconstruence of the Nigerian situation. The notion that the more pluralism you have, the more democracy you have is, as far as Nigeria is concerned, ... an unwarranted extrapolation from the Western experience. Nothing I am saying suggests, however, that the nature of Nigerian pluralism is such that there is no possibility of Nigerians living within a common framework ...

Not only do I think [the Nigerians] can do that, but I think they are about to show they can do so in a much improved fashion. However, ... if this is so, it is going to be despite the easy assumptions of the applicability of the Western experience to Nigeria.

What free party competition really meant in Nigeria in the period up to the events of 1966 which introduced the military regime was that the system placed a great premium on the degree to which social entities in Nigeria, particularly political parties, could mobilize support by any means necessary. The most ready to hand means of mobilizing political support in the circumstances of Nigeria in 1960—indeed, what clearly constituted a political embowelment in terms of political force and legitimacy—was the eth-

nic communities of Nigeria.

The system . . . of introducing competitive institutions without any particular attention to those realities, or at least not enough to justify departing from Western forms, had the effect not only of pitting the ethnic groups as units of competition in political campaigns, but also of encouraging Nigerian parties to build garrisons of political support that other parties could not penetrate. The more they emphasized ethnic particularity, the more assured they became of defeating rivals and capitalizing on their own advantage in terms of ethnic identity with the group

To achieve national power, it was desirable to somehow effect the penetration of the ethnic homelands of the other parties. If a party succeeded in doing that, it, of course, threatened the normalcy of the rival party, and forced them into a frame of mind, not merely of winner take all, but of loser forfeits all, which is a much deeper level of apprehension.

If they succeeded in penetrating the other areas, then, among other things, they took on an added burden of representing ethnic interests, therefore placing this consideration still further forward on the priority of issues in the political system

Beginning with the period . . . of the late Gen. Murala Mohamad, . . . there has been a concerted effort

to break the logjam of the destructive combination of regionalism, political party competition, and federalism, [this has been done] in a number of ways, [partly, but not solely through the new constitution]

The new approach of the new Nigerian political framework is not to rely on the spontaneous interplay of competition without restraint, but to try to as a matter of conscious direction and decision to limit the depth and extent and arena of competition. They do it in a variety of ways. The first is to require parties to be interregional internally; parties must reflect a certain ethnic balance. They furthermore undertake the burden of financing campaigns as a governmental function. They prohibit certain kinds of uses of symbols, language, and conduct generally.

[They are resolved] not to rely on the historic optimism or idealization of others about their experience to determine how Nigeria is going to approach its problems. [I believe] that this approach really represents, [firstly], the introduction of Nigerian approval and legitimacy of their own arrangement, and secondly, more than the devices themselves, is the atmosphere of introducing political consciousness about the difficulties of the past and the need to prevent them. [In my opinion, this] is the most significant aspect of what has been done.

READING 59

CONSTITUTION

(FUNDAMENTAL LAW)

OF THE UNION OF SOVIET SOCIALIST REPUBLICS



Adopted by the 7th Extraordinary Session
of the Supreme Soviet of the USSR
(9th Convocation), October 7, 1977

In the USSR a developed socialist society has been built. At this stage, when socialism is developing on its own foundations, the creative forces of the new system and the advantages of the socialist way of life are becoming increasingly evident, and the working people are more and more widely enjoying the fruits of their great revolutionary gains.

It is a society in which powerful productive forces and progressive science and culture have been created, in which the well-being of the people is constantly rising, and more and more favourable conditions are being provided for the all-round development of the individual.

It is a society of mature socialist social relations, in which, on the basis of the drawing together of all classes and social strata and of the juridical and factual equality of all its nations and nationalities and their fraternal co-operation, a new historical community of people has been formed--the Soviet people.

It is a society of high organisational capacity, ideological commitment, and consciousness of the working people, who are patriots and internationalists.

It is a society in which the law of life is concern of all for the good of each and concern of each for the good of all.

It is a society of true democracy, the political system of which ensures effective management of all public affairs, ever more active participation of the working people in public life, and the combining of citizens' real rights and freedoms with their obligations and responsibility to society.

Developed socialist society is a natural, logical stage on the road to communism.

The supreme goal of the Soviet state is the building of a classless communist society in which there will be public, communist self-government. The main aims of the people's socialist state are: to lay the material and technical foundation of communism, to perfect socialist social relations and transform them into communist relations, to mould the citizen of communist society, to raise the people's living and cultural standards, to safeguard the country's security, and to further the consolidation of peace and development of international co-operation.

The Soviet people,

guided by the ideas of scientific communism and true to their revolutionary traditions,

relying on the great social, economic, and political gains of socialism,

striving for the further development of socialist democracy,

taking into account the international position of the USSR as part of the world system of socialism, and conscious of their internationalist responsibility,

preserving continuity of the ideas and principles of the first Soviet Constitution of 1918, the 1924 Constitution of the USSR and the 1936 Constitution of the USSR,

hereby affirm the principles of the social structure and policy of the USSR, and define the rights, freedoms and obligations of citizens, and the principles of the organisation of the socialist state of the whole people, and its aims, and proclaim these in this Constitution.

Chapter 1.

THE POLITICAL SYSTEM

Article 1. The Union of Soviet Socialist Republics is a socialist state of the whole people, expressing the will and interests of the workers, peasants, and intelligentsia, the working people of all the nations and nationalities of the country.

Article 2. All power in the USSR belongs to the people.

The people exercise state power through Soviets of People's Deputies, which constitute the political foundation of the USSR.

All other state bodies are under the control of, and accountable to, the Soviets of People's Deputies. • • •

Article 4. The Soviet state and all its bodies function on the basis of socialist law, ensure the maintenance of law and order, and safeguard the interests of society and the rights and freedoms of citizens.

State organisations, public organisations and officials shall observe the Constitution of the USSR and Soviet laws.

Article 6. The leading and guiding force of Soviet society and the nucleus of its political system, of all state organisations and public organisations, is the Communist Party of the Soviet Union. The CPSU exists for the people and serves the people.

The Communist Party, armed with Marxism-Leninism, determines the general perspectives of the development of society and the course of the home and foreign policy of the USSR, directs the great constructive work of the Soviet people, and imparts a planned, systematic and theoretically substantiated character to their struggle for the victory of communism.

All party organisations shall function within the framework of the Constitution of the USSR.

Chapter 2.

THE ECONOMIC SYSTEM

Article 10. The foundation of the economic system of the USSR is socialist ownership of the means of production in the form of state property (belonging to all the people), and collective farm-and-cooperative property.

Article 11. State property, i. e. the common property of the Soviet people, is the principal form of socialist property.

The land, its minerals, waters, and forests are the exclusive property of the state. The state owns the basic means of production in industry, construction, and agriculture; means of transport and communication; the banks; the property of state-run trade organisations and public utilities, and other state-run undertakings; most urban housing; and other property necessary for state purposes. . . .

Article 13. Earned income forms the basis of the personal property of Soviet citizens. The personal property of citizens of the USSR may include articles of everyday use, personal consumption and convenience, the implements and other objects of a small-holding, a house, and earned savings. The personal property of citizens and the right to inherit it are protected by the state.

Citizens may be granted the use of plots of land, in the manner prescribed by law, for a subsidiary small-holding (including the keeping of livestock and poultry), for fruit and vegetable growing or for building an individual dwelling. Citizens are required to make rational use of the land allotted to them. The state, and collective farms provide assistance to citizens in working their small-holdings.

Property owned or used by citizens shall not serve as a means of deriving unearned income or be employed to the detriment of the interests of society.

Article 14. The source of the growth of social wealth and of the well-being of the people, and of each individual, is the labour, free from exploitation, of Soviet people.

The state exercises control over the measure of labour and of consumption in accordance with the principle of socialism: "From each according to his ability, to each according to his work." It fixes the rate of taxation on taxable income.

Socially useful work and its results determine a person's status in society. By combining material and moral incentives and encouraging innovation and a creative attitude to work, the state helps transform labour into the prime vital need of every Soviet citizen.

Article 17. In the USSR, the law permits individual labour in handicrafts, farming, the provision of services for the public, and other forms of activity based exclusively on the personal work of individual citizens and members of their families. The state makes regulations for such work to ensure that it serves the interests of society.

Chapter 3.

SOCIAL DEVELOPMENT AND CULTURE

Article 19. The social basis of the USSR is the unbreakable alliance of the workers, peasants, and intelligentsia.

The state helps enhance the social homogeneity of society, namely the elimination of class differences and of the essential distinctions between town and country and between mental and physical labour; and the all-round development and drawing together of all the nations and nationalities of the USSR.

Article 23. The state pursues a steady policy of raising people's pay levels and real incomes through increase in productivity.

In order to satisfy the needs of Soviet people more fully social consumption funds are created. The state, with the broad participation of public organisations and work collectives, ensures the growth and just distribution of these funds.

Article 24. In the USSR, state systems of health protection, social security, trade and public catering, communal services and amenities, and public utilities, operate and are being extended.

The state encourages cooperatives and other public organisations to provide all types of services for the population. It encourages the development of mass physical culture and sport.

Article 25. In the USSR there is a uniform system of public education, which is being constantly improved, that provides general education and vocational training for citizens, serves the communist education and intellectual and physical development of the youth, and trains them for work and social activity.

Chapter 6.

CITIZENSHIP OF THE USSR. EQUALITY OF CITIZENS' RIGHTS

Article 34. Citizens of the USSR are equal before the law, without distinction of origin, social or property status, race or nationality, sex, education, language, attitude to religion, type and nature of occupation, domicile, or other status.

The equal rights of citizens of the USSR are guaranteed in all fields of economic, political, social, and cultural life.

Article 35. Women and men have equal rights in the USSR.

Exercise of these rights is ensured by according women equal access with men to education and vocational and professional training, equal opportunities in employment, remuneration, and promotion, and in social and political, and cultural activity, and by special labour and health protection measures for women; by providing conditions enabling mothers to work; by legal protection, and material and moral support for mothers and children, including paid leaves and other benefits for expectant mothers and mothers, and gradual reduction of working time for mothers with small children.

Article 36. Citizens of the USSR of different races and nationalities have equal rights.

Exercise of these rights is ensured by a policy of all-round development and drawing together of all the nations and nationalities of the USSR, by educating citizens in the spirit of Soviet patriotism and socialist internationalism, and by the possibility to use their native language and the languages of other peoples of the USSR.

Chapter 7.

THE BASIC RIGHTS, FREEDOMS, AND DUTIES OF CITIZENS OF THE USSR

Article 39. Citizens of the USSR enjoy in full the social, economic, political and personal rights and freedoms proclaimed and guaranteed by the Constitution of the USSR and by Soviet laws.

Enjoyment by citizens of their rights and freedoms must not be to the detriment of the interests of society or the state, or infringe the rights of other citizens.

Article 40. Citizens of the USSR have the right to work (that is, to guaranteed employment and pay in accordance with the quantity and quality of their work, and not below the state-established minimum), including the right to choose their trade or profession, type of job and work in accordance with their inclinations, abilities, training and education, with due account of the needs of society.

Article 41. Citizens of the USSR have the right to rest and leisure.

Article 42. Citizens of the USSR have the right to health protection. This right is ensured by free, qualified medical care provided by state health institutions.

Article 43. Citizens of the USSR have the right to maintenance in old age, in sickness, and in the event of complete or partial disability or loss of the breadwinner.

Article 44. Citizens of the USSR have the right to housing.

Article 45. Citizens of the USSR have the right to education.

This right is ensured by free provision of all forms of education, by the institution of universal, compulsory secondary education, and broad development of vocational, specialised secondary, and higher education, in which instruction is oriented toward practical activity and production; by the development of extramural, correspondence and evening courses; by the provision of state scholarships and grants and privileges for students; by the free issue of school textbooks; by the opportunity to attend a school where teaching is in the native language; and by the provision of facilities for self-education.

Article 46. Citizens of the USSR have the right to enjoy cultural benefits.

Article 47. Citizens of the USSR, in accordance with the aims of building communism, are guaranteed freedom of scientific, technical, and artistic work.

Article 48. Citizens of the USSR have the right to take part in the management and administration of state and public affairs and in the discussion and adoption of laws and measures of All-Union and local significance.

Article 49. Every citizen of the USSR has the right to submit proposals to state bodies and public organisations for improving their activity, and to criticise shortcomings in their work.

Officials are obliged, within established time-limits, to examine citizens' proposals and requests, to reply to them, and to take appropriate action.

Persecution for criticism is prohibited. Persons guilty of such persecution shall be called to account.

Article 50. In accordance with the interests of the people and in order to strengthen and develop the socialist system, citizens of the USSR are guaranteed freedom of speech, of the press, and of assembly, meetings, street processions and demonstrations.

Article 51. In accordance with the aims of building communism, citizens of the USSR have the right to associate in public organisations that promote their political activity and initiative and satisfaction of their various interests.

Article 52. Citizens of the USSR are guaranteed freedom of conscience, that is, the right to profess or not to profess any religion, and to conduct religious worship or atheistic propaganda. Incitement of hostility or hatred on religious grounds is prohibited.

In the USSR, the church is separated from the state, and the school from the church.

Article 53. The family enjoys the protection of the state.

Marriage is based on the free consent of the woman and the man; the spouses are completely equal in their family relations.

The state helps the family by providing and developing a broad system of child-care institutions, by organising and improving communal services and public catering, by paying grants on the birth of a child, by providing children's allowances and benefits for large families, and other forms of family allowances and assistance.

Article 54. Citizens of the USSR are guaranteed inviolability of the person. No one may be arrested except by a court decision or on the warrant of a procurator.

Article 55. Citizens of the USSR are guaranteed inviolability of the home. No one may, without lawful grounds, enter a home against the will of those residing in it.

Article 56. The privacy of citizens, and of their correspondence, telephone conversations, and telegraphic communications is protected by law.

Article 57. Respect for the individual and protection of the rights and freedoms of citizens are the duty of all state bodies, public organisations, and officials.

Citizens of the USSR have the right to protection by the courts against encroachments on their honour and reputation, life and health, and personal freedom and property.

Article 58. Citizens of the USSR have the right to lodge a complaint against the actions of officials, state bodies and public bodies. Complaints shall be examined according to the procedure and within the time-limit established by law.

Actions by officials that contravene the law or exceed their powers, and infringe the rights of citizens, may be appealed against in a court in the manner prescribed by law.

Citizens of the USSR have the right to compensation for damage resulting from unlawful actions by state organisations and public organisations, or by officials in the performance of their duties.

Article 59. Citizens' exercise of their rights and freedoms is inseparable from the performance of their duties and obligations.

Citizens of the USSR are obliged to observe the Constitution of the USSR and Soviet laws, comply with the standards of socialist conduct, and uphold the honour and dignity of Soviet citizenship.

Article 60. It is the duty of, and a matter of honour for, every able-bodied citizen of the USSR to work conscientiously in his chosen, socially useful occupation, and strictly to observe labour discipline. Evasion of socially useful work is incompatible with the principles of socialist society.

Article 61. Citizens of the USSR are obliged to preserve and protect socialist property. It is the duty of a citizen of the USSR to combat misappropriation and squandering of state and socially-owned property and to make thrifty use of the people's wealth.

Persons encroaching in any way on socialist property shall be punished according to the law.

Article 62. Citizens of the USSR are obliged to safeguard the interests of the Soviet state, and to enhance its power and prestige.

Defence of the Socialist Motherland is the sacred duty of every citizen of the USSR.

Betrayal of the Motherland is the gravest of crimes against the people.

Article 63. Military service in the ranks of the Armed Forces of the USSR is an honourable duty of Soviet citizens.

Article 64. It is the duty of every citizen of the USSR to respect the national dignity of other citizens, and to strengthen friendship of the nations and nationalities of the multinational Soviet state.

Article 65. A citizen of the USSR is obliged to respect the rights and lawful interests of other persons, to be uncompromising towards anti-social behaviour, and to help maintain public order.

Article 66. Citizens of the USSR are obliged to concern themselves with the upbringing of children, to train them for socially useful work, and to raise them as worthy members of socialist society. Children are obliged to care for their parents and help them.

Article 67. Citizens of the USSR are obliged to protect nature and conserve its riches.

Article 68. Concern for the preservation of historical monuments and other cultural values is a duty and obligation of citizens of the USSR.

Article 69. It is the internationalist duty of citizens of the USSR to promote friendship and cooperation with peoples of other lands and help maintain and strengthen world peace.

Chapter 20.

COURTS AND ARBITRATION

Article 151. In the USSR justice is administered only by the courts. In the USSR there are the following courts: the Supreme Court of the USSR, the Supreme Courts of Union Republics, the Supreme Courts of Autonomous Republics, Territorial, Regional, and city courts, courts of Autonomous Regions, courts of Autonomous Areas, district (city) people's courts, and military tribunals in the Armed Forces.

Article 152. All courts in the USSR shall be formed on the principle of the electiveness of judges and people's assessors.

Article 156. Justice is administered in the USSR on the principle of the equality of citizens before the law and the court.

Article 157. Proceedings in all courts shall be open to the public. Hearings in camera are only allowed in cases provided for by law, with observance of all the rules of judicial procedure.

Article 158. A defendant in a criminal action is guaranteed the right to legal assistance.

Article 159. Judicial proceedings shall be conducted in the language of the Union Republic, Autonomous Republic, Autonomous Region, or Autonomous Area, or in the language spoken by the majority of the people in the locality. Persons participating in court proceedings, who do not know the language in which they are being conducted, shall be ensured the right to become fully acquainted with the materials in the case; the services of an interpreter during the proceedings; and the right to address the court in their own language.

Article 160. No one may be adjudged guilty of a crime and subjected to punishment as a criminal except by the sentence of a court and in conformity with the law.

Chapter 8.

THE USSR—A FEDERAL STATE

Article 70. The Union of Soviet Socialist Republics is an integral, federal, multinational state formed on the principle of socialist federalism as a result of the free self-determination of nations and the voluntary association of equal Soviet Socialist Republics.

The USSR embodies the state unity of the Soviet people and draws all its nations and nationalities together for the purpose of jointly building communism.

Article 72. Each Union Republic shall retain the right freely to secede from the USSR.

READING 60

On the Draft Constitution (Fundamental Law) of the Union of Soviet Socialist Republics and the Results of Its Nationwide Discussion: Report by Leonid Brezhnev to the Session of the U.S.S.R. Supreme Soviet, October 4, 1977.

Esteemed Comrade Deputies,

The present session of the Supreme Soviet has before it a task that is historic in the full sense of the word: the adoption of a new Constitution of the Union of Soviet Socialist Republics.

We are about to adopt the Constitution on the eve of the 60th Anniversary of the Great October Socialist Revolution. This is not a mere coincidence in time of two major events in the life of our country. The connection between them goes much deeper. The new Constitution, one might say, epitomizes the whole sixty years' development of the Soviet state. It is striking evidence of the fact that the ideas proclaimed by the October Revolution and Lenin's precepts are being successfully put into practice . . .

The discussion of the Draft Constitution by the whole people has been the crucial test of the quality of all the preparatory work. It took place over a period of nearly four months and was nation-wide in the true sense of the word. Altogether it involved *over 140,000,000 men and women, that is, more than eighty per cent of the adult population of the country. Never before has our country known active participation by the public on such a scale.*

The main political result of the nation-wide discussion consists in the fact that the Soviet people have said: yes, this is the Fundamental Law we looked forward to. It truly reflects our gains and our aspirations and hopes, and correctly defines our rights and duties. While formalizing what has been achieved, it opens up prospects for further advance in the building of communism.

The Draft was discussed at some one and a half million meetings of working people at enterprises and collective farms, in military units and in residential areas . . .

Let us recall that soon after the victory of the October Revolution, Lenin said that the exploitative system had left us a legacy of deep distrust on the part of the masses for anything that had to do with the state. "It is very difficult to overcome this, and only a Soviet government can do it," he said . . .

The Soviet government has coped with this task. The most striking confirmation of this is the tremendous extent of the active participation of the working people in discussing the Draft of the new Constitution. We can say with confidence and pride that *it is the whole Soviet people who have in fact become true creators of the Fundamental Law of their state . . .*

The Constitution Commission reports that *the nation-wide discussion has made it possible to improve the Draft Constitution significantly and to write into it a number of useful additions, clarifications and amendments.*

Altogether some 400,000 proposals for amendments to individual articles have been made for the purpose of clarifying, improving and supplementing the wording of the Draft. Having made a careful study of these proposals—many of which, of course, recur—the Constitution Commission recommends that 110 articles of the Draft should be amended and one new article added . . .

[The] greatest number of proposals that have come in bear on the vital question of *the role of labour under socialism*. The comrades suggest that the character of our society as a society of working people should be described in much more explicit terms in the Constitution . . .

The comrades have also proposed the more precise wording of the article dealing with the foundation of the economic system of the U.S.S.R., in order *to make clearer the fact that this foundation consists of state property and collective-farm-cooperative property . . .*

Thousands of proposals have been received suggesting that the Constitution state that *any evasion of socially useful labour is incompatible with the principles of socialist society*. Our people want stric-

ter penalties for absenteeism and for those who seek unearned income. One cannot but support these just observations.

Very many comrades have written to say that the Constitution should lay special emphasis on the duty of citizens *to take proper care of public wealth*, our socialist property, which is the product of the people's collective labour and the foundation for the development of our society as a whole. The Constitution Commission shares the working people's view on this matter and proposes that an addition should be made to the relevant article of the Fundamental Law.

[It] is proposed to clarify the wording of some other articles in the section entitled "The State and the Individual." Thus, in response to the wishes of many people the article on the right to housing states that *it shall be the duty of citizens to take proper care of the housing allocated to them*. The article dealing with the citizen's duty to attend to the upbringing of children now states that *children are also obligated to care for their parents and help them*

[Many] believe that the articles on the procedures governing the consideration of deputies' inquiries and citizens' proposals, and on the responsibility of officials for breaches of the law and for taking an incorrect attitude to criticisms voiced by the working people should be formulated more specifically. The Commission feels that this can be taken care of in the relevant articles of the Constitution

A number of Western newspapers have pointed out that the new Fundamental Law of the U.S.S.R. signifies further development of democracy in the Soviet Union, broader rights for citizens and public organizations, and an increase in their influence on state policy. The American *Baltimore Sun* has frankly acknowledged that the Draft guarantees Soviet citizens broader rights as compared with any Western constitution: the right to work, rest, choice of occupation, social security, housing, education, free medical aid

The masterminds of imperialist propaganda, however, obviously became worried when the discussion of the Draft Constitution assumed a broad international scale

Hence the tendency not so much to give information about the new Soviet Constitution as to misrepresent its content, minimize its importance and, whenever possible, ignore its major provisions altogether.

The clauses on the rights, freedoms and duties of Soviet citizens have been attacked with especial vehemence.

This has, of course, its own logic: indeed, it is precisely the idea of "concern" for human rights that prominent leaders of the capitalist world have lately chosen as the main thrust of their ideological crusade against the socialist countries. The critics of the So-

viet Constitution, however, have found themselves in an unenviable position. They cannot escape the fact that the Soviet Draft Constitution defines the social, economic and political rights and freedoms of citizens and the specific guarantees of these rights more widely, clearly and fully than has ever been done anywhere else before.

What, indeed, can the apologists of the capitalist system oppose to these real achievements of developed socialism? What real rights and freedoms are guaranteed to the masses in present-day imperialist society?

The "right" of tens of millions to unemployment? Or the "right" of sick people to do without medical aid, the cost of which is enormous? Or the "right" of ethnic minorities to humiliating discrimination in employment and education, in political and everyday life? Or is it the "right" to live in perpetual fear of the omnipotent underworld of organized crime and to see how the press, cinema, TV and radio services are going out of their way to educate the younger generation in a spirit of selfishness, cruelty and violence?

Propagandists and ideologists of capitalism cannot deny that socialism has long since cured these social sores. They have resorted, therefore, to another manoeuvre. They have concentrated their attacks on the constitutional provisions which say that the exercise by citizens of their rights and freedoms must not injure the interests of society and the state, or the rights of other citizens and that the exercise of one's rights and freedoms is inseparable from the performance of one's duties and obligations.

According to the Draft Constitution, the rights of citizens may not be used to the detriment of socialist society and the state, and that means, says the Austrian newspaper *Salzburger Volksblatt*, that "Soviet citizens have no rights at all." That is logic for you!

The Italian *Corriere della Sera* does not like the fact that the Draft speaks of the duty of Soviet citizens to observe the U.S.S.R. Constitution and Soviet laws, and the rules of socialist behaviour in everyday life. "All these restrictions," this mouthpiece of the Italian monopolies declares, "in effect nullify civil rights, at any rate as we understand them." It follows that the exercise of civil rights in the U.S.S.R. must consist in violations of the law

Our "critics" pretend to be unaware of the fact that the clauses in the Draft Constitution which evoke their dissatisfaction fully conform to fundamental international documents. Let us remind them of this fact: the U.N. Universal Declaration of Human Rights clearly states that "everyone had duties to the community in which alone the free and full development of his personality is possible," and that the exercise of rights and freedoms by citizens requires "due recognition and respect for the rights and freedoms of others and meeting the just requirements of morali-

ty, public order and the general welfare in a democratic society."

This is the principle of life in a democratic society recognized throughout the world. It is that principle and no other that is contained in the provisions of the new Constitution of the U.S.S.R. which have aroused the hypocritical indignation of our "critics."

Highly objectionable to most bourgeois analysts are also the provisions defining the role of the CPSU in the life of Soviet society. They shout from the house-tops that this amounts to "proclamation of the dictatorship of the Communist Party," "the primacy of the Party over the State," "a dangerous intertwining of the Party and government institutions," "the obliteration of the boundaries between the Party and the state."

What can one say on this score? The motives for this attack are clear enough. The Communist Party is the vanguard of the Soviet people, their most conscious and progressive section inseparably united with the people as a whole. The Party has no interests other than the interests of the people. To try to counterpose the Party to the people by talking about the "dictatorship of the Party" is tantamount to trying to separate, say, the heart from the whole of the body.

In countries which already have highly developed productive forces at the time of their victorious socialist revolution the situation will be different. But they too will have to solve such complicated problems in the building of mature socialism as mastering the difficult art of organizing the entire life of society along socialist lines, and in particular, the science of planning and managing the national economy, and developing the socialist consciousness of their citizens.

New Times, Moscow, No. 41, 1977.

READING 61

HOOLIGANISM

Hooliganism is defined in art. 206 of the RSFSR Criminal Code as "intentional actions which grossly violate public order and express an obvious disrespect towards society". The definition is sweeping enough to explain the fact that hooliganism is the most frequently committed crime in the Soviet Union. Hooliganism as a crime was included in the previous Criminal Code (of 1926, art. 74), but was not in any way circumscribed. Hooliganism, in fact, is more than a crime, it is a type of behaviour which perhaps is characteristic of one aspect of Russian social life; the Russian term *khuliganstvo* is a straight borrowing from English "hooliganism". The word is used in law also with an

adjectival sense, such as "hooligan motives" (e.g. art. 102 point a. of the RSFSR Criminal Code). It connotes behaviour opposed to what is *prilichno* (proper) or *kul'turno* (cultured). It embraces a great diversity of activities, which have as a common element a more or less offensive disturbance of the peace.

The present law of hooliganism is based primarily on a decree of the USSR Supreme Soviet of July 26, 1966, "On increasing the responsibility for hooliganism". The main change brought about by this decree was the introduction of compulsory minimum sentences for all forms of hooliganism. The decree (*ukaz*) was followed by an explanatory decree (*postanovlenie*) of the same date by the same body. The Union republics enacted legislation in 1966 to conform to the new Union laws. There are considerable differences among the Union republics in the definitions of hooliganism and in procedural details.

According to the commentaries, the first part of the hooliganism definition (gross violation of public order) implies a violation of the rules of socialist community life (*q.v.*) or of public interests. The second part of the definition is said to refer to violations of socialist morality or the interests of groups (collectives) or individuals. The definition in art. 206 requires both elements to be present if there is to be question of hooliganism; it seems, however, that the rules of socialist community life and the requirements of socialist morality overlap to a large extent. The result of the definitional vagueness of the hooliganism concept is that hooliganism serves as a kind of residual offence in many instances where a more clear-cut offence would be more difficult to prove; e.g. assault, threats, resisting an officer of the law, etc. The most typical case of hooliganism seems to be offensive behaviour in public by drunks; according to all available statistics drunkenness occurs in more than 90% of all cases of hooliganism.

Art. 206 provides two special forms of hooliganism: malicious and petty hooliganism. Malicious hooliganism is defined as hooliganism "characterized in its nature by its exceptional cynicism or special offensiveness, or connected with resistance to a representative of authority or of the public [referring to members of the voluntary people's guards — *druzhina*, *q.v.*] carrying out their duties with regard to the maintenance of public

order, or against other citizens who are counteracting hooligan activities, and, furthermore, hooliganism committed by a person with a previous conviction for hooliganism".

Petty hooliganism is defined in the 1966 decree as "bad language [lit. *netsenzurnaiia bran'*—uncensored swearing] in public places, offensive molestation of citizens and other similar actions and violating public order and the peace of citizens, provided these actions according to their character do not entail the application of criminal penalties".

Petty hooliganism is an administrative offence, punishable by detention for from ten to fifteen days, or by corrective labour of from one to two months with a mandatory

deduction of twenty per cent of the offender's wages, or by a fine of from ten to thirty roubles. The penalty is imposed by the people's judge; the fine may also be imposed by the local police chief. The decree provides further for speedy and summary proceedings; there is no appeal. Petty hooliganism com-

mitted by a person who has been punished for petty hooliganism within the preceding year is considered to be common hooliganism (art. 206, par. 1).

Common hooliganism entails deprivation of liberty for from six months to one year, or corrective labour for the same duration, or a fine of from thirty to fifty roubles. Malicious hooliganism entails deprivation of liberty for from one to five years. Common or malicious hooliganism, accompanied by the use of (or the attempt to use) arms or instruments specially adapted to inflict physical injury, entails deprivation of liberty for from three to seven years (art. 206, last par.).

The stepping-up of the campaign against hooliganism in 1966 also brought a new chapter to the RSFSR Code of Criminal Procedure (ch. 34, arts. 414-429), aiming primarily at speedier trials in cases of hooliganism.

Encyclopedia of Soviet Law, F.J.M. Feldbrugge, ed. Dobbs Ferry, N.Y.: Oceana Publications, 1973.

READING 62

ARTICLES OF SOVIET CRIMINAL LAW WHICH RESTRICT THE EXERCISE OF FUNDAMENTAL HUMAN RIGHTS

Most Soviet prisoners of conscience are imprisoned for violations of six articles of Soviet criminal law:

Article 64: This defines as an act of treason "flight abroad or refusal to return from abroad to the USSR".

Article 70: Anti-Soviet Agitation and Propaganda. Agitation or propaganda carried on for the purpose of subverting or weakening the Soviet regime or of committing particular, especially dangerous crimes against the state, or the circulation, for the same purpose, of slanderous fabrications which defame the Soviet state and social system, or the circulation or preparation or keeping, for the same purpose, of literature of such content, shall be punished by deprivation of freedom for a term of 6 months to 7 years, with or without additional exile for a term of 2 to 5 years, or by exile for a term of 2 to 5 years.

The same actions committed by a person previously convicted of especially dangerous crimes against the state or committed in wartime shall be punished by deprivation of freedom for a term of 3 to 10 years, with or without additional exile for a term of 2 to 5 years.

Article 72: Organizational Activity Directed to Commission of Especially Dangerous Crimes against the State and also Participation in Anti-Soviet Organizations. Organizational activity directed to the preparation or commission of especially dangerous crimes against the state, or to the creation of an organization which has as its purpose the commission of such crimes, or participation in an anti-Soviet organization, shall be punished in accordance with Articles 64-71 of the present code.

Article 142: Violation of Laws on Separation of Church and State and of Church and School. The violation of laws on the separation of church and state and of school and church shall be punished by correctional tasks for a term not exceeding one year or by a fine not exceeding 50 roubles.

The same acts committed by a person previously convicted of violation of laws on the separation of church and state and of school and church, as well as organizational activity directed to the commission of such acts, shall be punished by deprivation of freedom for a term not exceeding 3 years.

Article 190-1: Circulation of Fabrications known to be False which Defame Soviet State and Social System. The systematic circulation in an oral form of fabrications known to be false which defame the Soviet state and social system and, likewise, the preparation or circulation in written, printed or any other form of works of such content shall be punished by deprivation of freedom for a term not exceeding 3 years, or by correctional tasks for a term not exceeding one year, or by a fine not exceeding 100 roubles.

Article 190-3: Organization of or Active Participation in, Group Actions Which Violate Public Order. The organization of, and, likewise, the active participation in, group actions which violate public order in a coarse manner or which are attended by clear disobedience of the legal demands of representatives of authority or which entail the violation of the work of transport or of state and social institutions or enterprises shall be punished by deprivation of freedom for a term not exceeding 3 years, or by correctional tasks for a term not exceeding one year, or by a fine not exceeding 100 roubles.¹⁷

Article 227: Infringement of Person and Rights of Citizens under Appearance of Performing Religious Ceremonies. The organizing or directing of a group, the activity of which, carried on under the appearance of preaching religious beliefs and performing religious ceremonies, is connected with the causing of harm to citizens' health or with any other infringements of the person or rights of citizens, or with the inducing of citizens to refuse social activity or performance of civic duties, or with the drawing of minors into such groups, shall be punished by deprivation of freedom for a term not exceeding 5 years or by exile for a similar term with or without confiscation of property.

The active participation in the activity of a group specified in paragraph one of the present article, or the systematic propaganda directed at the commission of acts specified therein, shall be punished by deprivation of freedom for a term not exceeding 3 years, or by exile for the same term, or by correctional tasks for a term not exceeding one year.

Note: If the acts of persons stated in paragraph 2 of the present article, and the persons themselves, do not represent a great social danger, measures of social pressure may be applied to them.

Prisoners of Conscience in the U.S.S.R.: Their Treatment and Conditions. London: Amnesty International, 1975.

READING 63

U.S.S.R.—100 Questions and Answers
(Excerpts)

Can you openly pray to God in your country?

In accordance with the USSR Constitution all citizens of the USSR "are guaranteed freedom of conscience, that is, the right to profess or not to profess any religion, and to conduct religious worship or atheistic propaganda."

Soviet laws give adult believers the right jointly to satisfy their religious needs. For this they form religious societies or groups. Forming a community, believers may perform religious rites, hold prayer meetings and conduct religious ceremonies.

Believers have the right to elect or invite ministers of religion, to use and manage a prayer house and religious property, to collect voluntary contributions in the prayer house for its maintenance and to spend other sums on the religious needs of believers. Church funds consisting of voluntary contributions from believers are not taxed.

In Soviet legislation special rules of law protect believers, religious bodies and ministers of religion from any infringement of their legal rights. These rules envisage responsibility for ensuring the unhindered performance of religious rites if they do not disturb public order or lead to infringement of citizens' rights. All discrimination against believers and the forcing of conscience is categorically forbidden.

Who publishes religious literature?

Religious literature is published by the religious organizations of many faiths. Thus, in 1976, the Moscow Patriarchy put out another edition of the Bible, including both the Old and New Testaments. To be published shortly are the first volume of the writings of Patriarch Pimen, a number of theological treatises and other ecclesiastical literature. The periodical, *Journal of the Moscow Patriarchy*, which not only covers ecclesiastical affairs, but also contains sermons, theological essays and other material, enjoys a rather large circulation.

The All-Union Council of the Evangelical Christian-Baptists also regularly re-issues editions of the Bible and the Gospel, as well as prayerbooks, calendars and hymnals, while its periodical, *The Brotherly Herald*, comes out in several other national languages besides Russian.

As for the Moslem Religious Board of Central Asia and Kazakhstan, in recent years it has put out six editions of the Koran, Imam al-Bukhari's "Al-Jami'al-Sahih" and "Al-Adab al-Mufrad" hadiths, as well as Ismail Mahmoud Sattiev's history of the Koran by Othman ibn Affan, which is preserved in Tashkent. It also publishes a magazine called, *Moslems of the Soviet East*.

Your new Constitution guarantees the right of citizens of the USSR to housing. What does this mean in practical terms? After all, this constitutional right does not increase the number of flats in your country.

Article 44 of the USSR Constitution is a commitment by the Soviet state to use all available resources to provide quality housing for all Soviet families in the shortest pos-

sible time. And this means that we shall never turn housing into a commercial enterprise, which makes it available to some people and puts it beyond the reach of others. We shall not abandon the fair principle of distribution of flats and we shall also keep rents at their present low level. We shall not cut back budget allocations for housing development: in 1976-80 they stand at about 120,000 million roubles, which sum would be quite sufficient for building 120 hydro-power stations, each with a capacity equal to that of the world's biggest at Krasnoyarsk.

In other words, the inclusion of this article in the text of the new Constitution is an additional guarantee against any undesirable changes in our housing policy.

How much do Soviet citizens pay in rent?

By far the greater proportion of Soviet citizens live in flats and houses provided by the state, the rent for which, together with the charges for electricity, gas, central heating and water, does not exceed an average 4-5 per cent of the family budget. For half a century—since 1928—it has not changed, although housing has been much improved. Eighty-seven flats in 100 have running water, 80 have central heating, 86 have flush toilets, 74 have bathrooms and 88 have gas laid on in their kitchens. Not many countries have such a high percentage of homes equipped with all modern conveniences. And the rate of gasification—about five million flats a year—is more than twice as high as the rate of housing construction.

What legal basis is there for prosecuting dissidents?

First of all we must agree on the meaning of the terms we are using. If by "dissidents" you mean people who differ from the great majority of Soviet citizens only in their way of thinking, then no legal basis for prosecuting them exists. And nobody in our country is prosecuting such people. It is quite another matter if a "dissident" is a person committing illegal acts, breaking the law. No one is allowed to do this. Such a person is tried in court only for specific acts stated to be illegal in the relevant documents.

Soviet psychiatrists are accused in the West of using mental hospitals for political ends against dissidents. What truth is there in these accusations?

None whatsoever. Soviet psychiatrists make their diagnosis after thorough examination of the patient and at least three psychiatrists always have to take part in a consultation before a patient is sent for compulsory treatment. It should be noted that many "mentally sound dissidents" received psychiatric treatment in their childhood long before any manifestation of dissidence and they were already under observation at Soviet psychiatric clinics. But for some reason nobody at that time was campaigning for their release from the clinics.

We have always thought and we still consider public discussion of case histories in the mass circulation press to be a violation of medical ethics. That is why we have not sought to refute Western slanders by producing medical evidence, extracts from case histories and expert findings. But foreign psychiatrists, to whom the doors of Soviet mental hospitals have always been open, have been able to study this material on numerous occasions. Many of the

"victims of psychiatric intimidation" who figured in sensational campaigns have again found themselves in mental hospitals on emigrating from the USSR, but this time in Western—not Soviet—hospitals. For what "dissidence" were they being put into hospital now?

But where do the charges levelled against Soviet doctors originate? The "indisputable evidence of malpractices in Soviet psychiatry" turns out to be... assertions by people well-known for their hostile activities against the USSR and statements by patients themselves. You do not have to be a psychiatrist to know that most mental patients think themselves sane.

You don't need to be a doctor to realize that only a specialist is competent to diagnose an illness or refute a diagnosis. Nor does it call for great perspicacity to see that a campaign based on the opinions of people remote from medicine has nothing in common with a desire to establish the truth.

Who is "head of the family" in the USSR—the husband or the wife?

The concept of "head of the family" does not exist in Soviet law and use of the title confers no material or legal privileges. For this reason many couples never even bother to ask themselves who is more important in the family.

The latest (1970) census of the Soviet population showed that almost one family in four was headed by a woman. But sociologists say the percentage is in fact higher.

Our demographers are interested in a further question: how many married women claim to be head of the family and how many of their husbands agree. Special surveys revealed that the percentage of women (15-30 per cent) considering themselves to be or claiming to be the head of the family was almost ten times higher than the percentage of husbands (2-4 per cent) who agreed with them.

Another aspect of the question was noted by our demographers. Almost all the men said "yes" when asked if in general they acknowledged that a woman could be head of the family. But when they were asked if this could be so in their own family they were less amenable.

Is there a sex revolution in your country?

Yes, one started long ago, if by this you mean that marital relations between the sexes have been put on a humane basis, have been freed from everything that degrades a person, hypocrisy, possessiveness, material dependence, slavery and compulsion. We regard this great advance, achieved through argument and discussion and in struggle against outworn views and habits, as a revolutionary advance and we welcome it. We favour a stable family, a voluntary union with a deep emotional basis, a family that satisfies all its members. We are opposed to sexual emancipation from the family, to irresponsibility and dissoluteness.

This is, of course, a general statement of our position. In real life situations arise in which it is very hard to give a simple answer. We do discuss relations between the sexes and problems of married life, particularly in newspapers and magazines. Widely differing views are often heard in these discussions. Some people want tougher laws to guarantee family stability. They think marriage should

be founded on rights and duties, above all duties to children. But most of us would pose the question that way. The family should be stable—yes, one has a duty to children—yes, but the main thing is that each partner should need the other.

We recognize that extramarital relations and illegitimate children pose difficult problems. Soviet law protects single mothers and their children. But public opinion often roundly censures extramarital relations, regarding the family as the only decent form of relations between two people who love each other.

There are plenty of problems, of course. Too many to mention. But in tackling them we adhere to these general principles: the need for tact in dealing with people and their feelings, and the categorical rejection of hypocrisy, cruelty and material gain.

You say that in your country equality of the sexes is law. What is actually done to assure the equality of women?

Equality of the sexes as laid down in the USSR Constitution, is guaranteed by the relevant legislation and material facilities, and is strictly observed.

Percentagewise, women with a secondary and higher education constitute a greater proportion in this country than men. Because of the tremendous wartime losses, women account for 51 per cent of the entire workforce, earning, of course, equal pay for equal work. Note that most women employees are engaged on intellectual and mechanized jobs; thus, they comprise four of every five health-care workers, the absolute majority of those working in the field of education, two out of every three workers in the radio electronics industry, etc. More than four thousand women manage industrial plants and head administrative offices, while more than 200,000 supervise factory shops and sections or laboratories.

Soviet women play a major role in the country's political and public affairs, in the effort to strengthen peace and international co-operation and in the international women's movement. Women comprise 31 per cent of the deputies to the USSR Supreme Soviet, 35 per cent to the Union-republic Supreme Soviets, and 48 per cent to the local Soviets. For the sake of comparison one might note that in the USA women comprise only five per cent of those holding jobs in federal and local government.

The experience of our country and other socialist countries shows that women can make a valuable contribution in many useful jobs as well as in the running of the government. To be more emphatic, we regard their participation as indispensable for economic and social progress generally.

The polls conducted among women show that most of them prefer to work primarily for prestige reasons and moral satisfaction, and also because of financial considerations.

Though our achievements cannot be contested, problems still remain. These are regarded as a matter of utmost importance by the Party and State. The CPSU Programme specifically states that any vestiges of the unequal status of women in everyday life must be completely eliminated.

What is being done to this end? Over the past twenty years the volume of public services has increased sevenfold, and today kindergartens and creches accommodate twice the number of children as before. The number of

such domestic aids as vacuum cleaners and washing machines has trebled over the past ten years, while the number of refrigerators has increased sixfold. Still, it must be said that in families with children the women have to do twice as much house work as men.

The tenth five-year plan has placed on the agenda a new far-reaching programme for lightening women's work, not only on the job but also at home. The two chambers of the Soviet parliament, the Soviet of the Union and the Soviet of Nationalities have set up special standing commissions to deal with questions concerning women's working, living and general conditions and mother and child welfare.

Even though during the tenth five-year-plan period male employees will come to predominate in the workforce for the first time since the end of the war, female labour will continue to play a significant role. Much will be done to lighten their work. Of the 1,165 basic trades, some 200, regarded as being hazardous to the health or calling for strenuous physical exertion, have been banned for women, and the list is continually expanding.

A special section in the USSR's economic development programme envisages further improvement in the working, living and general conditions for female employees. They are to be entitled to a partially paid leave to take care of babies up to the age of one year and are to be allowed to work a shorter day or week, or work at home.

Further efforts will be made to ease household chores for women. The volume of public services is to increase by 48 per cent, day-care schools will double their accommodation, while kindergartens and creches will be able to take approximately 2.8 million more children. This distinctly shows how "feminized" is the social programme of the tenth five-year plan, which will make new strides towards achieving real equality for the sexes both on a social and domestic level.

Why are people refused permission to leave the USSR?

As a rule Soviet citizens who ask for permission to leave the country are granted it and leave without hindrance. But it should be noted that relatively few people wish to leave the Soviet Union. The main reason for leaving is in order to be reunited with families and relatives. Those leaving the Soviet Union with this aim are mainly Jews, Germans, Armenians, Greeks and Spaniards, as well as some Soviet citizens married to foreigners.

At the same time there are cases where permission for a particular person to leave is temporarily withheld. What sort of cases are these? Permission to leave may be withheld until, for instance, the members of a family—those leaving and those remaining—have settled their mutual relations, particularly, material questions. Permission to leave is also withheld for a certain period when people from the nature of their employment possess information which constitutes a state secret, or when people have recently undergone specialist military training of particular importance. Permission to leave is, of course, refused to persons under judicial examination or serving a term of punishment imposed by a court. Such a practice is in full accordance with the International Covenant on Civil and Political Rights adopted by the United Nations General Assembly on December 16, 1966. This Covenant, in parti-

cular, permits restriction of the right to leave one's country for another if it is necessary "to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others."

Are very many people affected by the temporary withholding of permission to leave? Let us examine this question as it affects Jews, who for historical reasons are the most numerous group of persons applying to leave. More than 140,000 Soviet citizens of Jewish nationality or descent, including children, left the USSR in the period from 1945 to the middle of 1977, according to official figures. Exit visas were granted to 984 out of every thousand who applied to leave. Thus 98.4 per cent of those applying leave the USSR without hindrance.

After the signing of the Helsinki agreements the procedure for submitting applications to leave and the preparing of travel documents have been simplified to the maximum. Now, for instance, a refusal may be reconsidered at the applicant's request every sixth months and no state tax is levied for second or subsequent application.

The temporary nature of such refusals may be clearly seen from the following official figures: in 1966-77, for instance, permission to leave was granted to 2,076 citizens whose requests had been previously turned down. In the first two months of 1978 a further 98 such persons received permission to leave.

USSR—100 Questions and Answers. Moscow: Novosti Press Agency, 1978.

READING 64

Some Philosophical Problems about Rights

Christopher R. Hill

AMNESTY devotes itself to very specific objects — reminding the world of what most governments do to those of their citizens who step out of line on matters of conscience, finding out who are being held as prisoners of conscience, and trying to do something to improve their lot. Its task is, in other words, to tell us that there are certain rights which all human beings have, and work towards the restoration of those rights to citizens who have been deprived of them.

7. DISRUPTION OF FUNERAL SERVICES

V. I. Butenko, who lived at 24 Shimatskaia St, Mirgorod, Poltava Oblast, made a dying request to his wife and son that they bury him as a believer. During the funeral procession the militia intervened, thrust the widow of the deceased aside, and did not give her the body for burial. This happened on 26 March 1967

[Butenko had been a communist. . .]

POLICE BRUTALITY OUTSIDE THE PRISONS AND CAMPS

Brutality in this category has been applied — in police stations and public places — especially to those Baptist and Orthodox groups who have resisted some of the more vicious forms of religious persecution and discrimination. The 'underground' literature from these groups available outside the U.S.S.R., much of it relentlessly documenting the new persecution begun in 1958-9, now amounts in all to several hundred thousands words. Document 4 exemplifies the genre, while the following Orthodox account conveys the violent flavour of the anti-religious drive in the northern Ukraine:

Belik and Gordeev with their squad of militiamen and volunteer police, continued their non-stop efforts to track down worshippers and check up on Christians in Pochaev. On the evening of 12 June 1964 they came to the house of Anastasia Religa, made a search and found Marfa in the attic. Belik gave orders to deal out such maltreatment that she would never again want to worship in Pochaev. The militiamen brutally grabbed Marfa and threw her down from the attic. Then they dragged her out of the house after intimidating the housewife. They dragged Marfa into the garden, raped her and pulled her out onto the road half dead and left her there. The following day Marfa was seen by residents and carried off to hospital; she was already unconscious and died shortly afterwards in hospital. . . . In similar fashion they killed in Pochaev, Lidia Tokmakova of Lipovaya Street . . . girls were raped, money taken away and people beaten until they lost consciousness. And so they roamed round the Lavra, all night through, like wild beasts, showing no respect even for old age: they robbed and raped Maria Andreievna Morozova, an aged nun, residing at Moscow K-203, Nizhnaya Pervomaiskaya, 24, apt. 4. Maria Gerasimchuk and Yustina Korolenko . . .

5. MANIFESTATION OF TORTURE OF BELIEVERS

Urgent communiqué to the Government from the Kiev congregation of Baptists

With deep sorrow we advise you that on Thursday, 30 March 1967, in the house of our fellow believer Nikolai Pavlovich Shelestun, 36 Ostrovskeye St., Novaia Boiarka, Kiev Oblast, where we were gathered for a worship meeting (it was his turn), at 20.30 hrs., a district lieutenant of the police, in uniform, arrived with seven men in civilian clothes, disrupting the meeting. One of them was the chief of the Boiarsk G.O.M. [ordinary police], two men introduced themselves as from the U.O.O.P. [Directorate for the Preservation of Public Order] of Kiev, and the remainder we do not know.

Trying to note down all those present, they seized the passport of the owner of the house and said, 'You will pay for this,' and ordered him to appear at the Boiarsk police-station.

On 2 April 1967 at 16.45 hrs he appeared at the Boiarsk police-station. At 17.00 hrs he was summoned to the office of the chief of police, with whom were the procurator and district officials. When N. P. Shelestun, the father of two children, had been seated on a chair not far from the table and was asking him his name, the chief of police, coming up behind him, said, 'You have tormented us, now we will torment you,' and struck him on the head with his fist. Sitting by the table, the procurator also began to strike him on the head, face, back of the neck, and ears from the other side. To the question, why are you doing this to me, they, using uncensored words, answered, 'We'll beat the guts out of you and we won't be called to account.' Then the chief of police fell to his knees in front of the bruised [prisoner], folded his hands, and sneered, 'Now ask God to save you from us.' N. P. Shelestun fell from the chair to the floor from the blows, losing consciousness. After the first beatings they sat him on the chair by the hair, brought an official report with a blank space and ordered him to sign. For his refusal to sign they again began to beat him, saying, 'Sign!' In the official report which they gave him to sign there was written, 'At the religious meeting in the house of N. P. Shelestun anti-Soviet leaflets were read.' For refusal to sign this falsehood they again subjected him to beating. When he had fallen on the floor unconscious, the policemen continued to kick him. As blood was flowing from him, the chief of police said to him, 'Wipe off the blood!' The chief of police took away two handkerchiefs soaked with the blood which was flowing from his mouth and nose. At 19.00 hrs, threatening to deliver the beaten

man to Kiev, Korolenko 15 (the police-station), when they had searched his pockets and seized his personal things, they sent him home, saying, 'Warn your friends that the same fate awaits them.'

Inasmuch as we have seen N. P. Shelestun beaten and ill and have questioned a witness, and have heard and seen the exercise of arbitrary justice by officials, and also have in hand a report of an eyewitness of his beating issued in the dispensary of the Kiev Oblast Bureau of Judicial Medical Investigation on 3 April 1967, No. 2247, we communicate to you that these actions constitute continuing physical struggle and violence against religious convictions.

By commission of the Kiev church of the E.C.B., consisting of 400 people.

Christopher R. Hill, ed., *Rights and wrongs—Some Essays on Human Rights*. Baltimore: Penguin, 1969.

READING 65

Summary of "Moscow Continuing to Seize U.S. Books" from the New York Times, Sept. 4, 1979.

In early September, 1979, the Third Moscow International Book Fair was held in that city.

The official purpose of the annual Book Fair is to foster "international book exchange" and consolidate mutually beneficial business ties between publishers of different countries.

The books brought for exhibit by non-Soviet publishing houses must be screened by the State Publishing Committee before they are displayed to the public. Almost 30 books put out by U.S. publishers were confiscated and refused permission to be exhibited. They are listed below.

The chairman of the State Publishing Committee, Boris I. Stukalin, defended the confiscation of these books as follows: "We have legislation forbidding certain books. We ban books propagandizing war and racism, books of an anti-Soviet character, pornography and books insulting the dignity of participating countries.

The great majority is observing these conditions. There are only a few who have brought in books that contradict our legislation. Under our law, these books are not going to be allowed.

It is not correct to say that this is a violation of freedom of speech. It is the highest affirmation of freedom of speech, since freedom to propagandize fascism is the kind of freedom that all honest people in our country and in other countries must oppose.

Books of that nature do not bring people closer together and do not serve the cause of detente. Instead, they stir up hostility between people and hamper the process of detente."

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- Begin, Menachem (Prime Minister of Israel). *White Nights*.
- Berger, John. *Art in Revolution*. Pantheon, 1969.
- Bradley, John. *The Illustrated History of the Third Reich*. Grosset & Dunlap, 1978.
- Brooks, Charles, ed. *Best Editorial Cartoons of the Year* (five books for the years 1972, 1975, 1976, 1977 and 1978). Pelican.
- Chesnaux, Jean, et. al. *China*. Random House, 1977 and 1978 (2 volumes).
- Cohen, Stephin F. *Bukharin and the Bolshevik Revolution: A Political Biography, 1888-1938*. Random House, 1974.
- Emerson, Thomas I. *The System of Free Expression*. Random House, 1971.
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- Identity: Adventures in Living Judaism*. (Further identification unavailable.)
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- Payne, Charles, et. al. *American Ballet Theater*. Random House, 1978.
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- Solzhenitsyn, Aleksandr I. *The Gulag Archipelago*, Volumes 1, 2 and 3. Harper and Row.
- Solzhenitsyn, Aleksandr I. "A World Split Apart," Commencement Address at Harvard, June 1978. Harper & Row, 1979.
- Ziemke, Earl F. *Battle for Berlin*. Random House.
- Sakharov, Andrei D. *My Country and the World*. Random House, 1975.

READING 66

RESOLUTION OF A PUBLIC MEETING IN MOSCOW ON HUMAN RIGHTS DAY

WE, representatives of the working people of the Soviet capital engaged in different trades and occupations—workers in science, culture and the arts, members of trade unions and women's, youth and other mass organizations—gathered in Moscow on Human Rights Day, point with pride to the fact that in our country the primary concern of the Soviet state is to extend democracy and political, social and economic rights of people which are reliably guaranteed by the fundamental law, the Constitution of the Union of Soviet Socialist Republics.

All power in the USSR belongs to the people, who exercise it through the Soviets of People's Deputies, the political foundation of our state. The Constitution of the USSR and the constitutions of the union and autonomous republics guarantee the full equality of citizens in all spheres of life and ensure the further comprehensive extension of democracy and the freedom of the individual. The emergence of socialism, a new social system, has for the first time ever made one of the fundamental human rights—the right to dignified

existence without exploitation—a reality. Socialism alone ensures conditions for the all-round development of the individual. The Soviet Constitution, a constitution of developed socialism, really guarantees for the Soviet people social, economic, political and individual rights and freedoms in their entirety. The rights and freedoms include the equality of people of all nationalities and races, freedom of conscience, the right to associate in mass organizations and the rights to work, to rest and leisure, to education, to medical care, to housing and to security in old age and in case of disability.

The laws on People's Control, on the Supreme Court, on the procurator's office, on the legal profession and on state arbitration in the USSR that were passed by the second session of the USSR Supreme Soviet last November are a fresh and vivid manifestation of the concern displayed by our state for the protection of the rights and freedoms of the Soviet citizen.

The history of our state and our reality as a whole forcefully prove that the banner of human rights and freedoms is the banner of socialism.

The Soviet state energetically advocated both the drafting of international legal norms of human rights and their practical and unreserved implementation. The USSR was the first great power to ratify the International Covenants on Human Rights. It was on its initiative that many major documents for the protection of the rights of the peoples and human rights were drafted and adopted.

The Soviet people appreciate the contribution made by the United Nations to the protection and extension of human rights all over the world.

Soviet Life, Feb. 1980.

READING 67

The Human Rights Movement in the USSR

Pavel Litvinov

I would like to approach my theme somewhat indirectly by referring to a well-known comparison. People have often remarked on the startling differences between the press in the West and the press in the Soviet Union, and now that I live in America, I have had a chance to experience this for myself. When I turn on my television set or open a newspaper, I am inundated with troubles: I learn of all sorts of national, social and personal problems and also hear various suggestions about how to cure them. I cannot say that it is pleasant to see certain television programmes about the more disgusting varieties of crime, but it is right that I should not hide from this. Now, like any other person in the free world, I am forced to think about possible means for solving the various complex problems that exist, or to consider whether they can be solved at all. It may be, of

course, that certain problems are insoluble, but at least their existence is acknowledged and the correct questions are posed.

If you open a Soviet newspaper, however, or turn on your television set in the USSR, you will be told that life in the Soviet Union is rather placid, except for so-called minor shortcomings and temporary difficulties. And these are always successfully overcome, because Soviet society possesses the best possible instrument that exists for solving various problems, namely the best possible socio-political system.

Does this mean that these problems are actually non-existent, or that all of them have been solved, or, at least, that there is a strong trend towards their solution in the very near future? Of course not. If we look at life in the Soviet Union during the last decade, without going too far back in history at this point, we can see that there has been a plethora of social, national and other tensions in the USSR.

In the first place, there are the national problems, and one can hardly find a single country in the world where these problems are as acute as in the Soviet Union. Then, of course, there are the problems of the various social minorities. You can take any similar problem existing in such a socially imperfect state as, say, America, and be certain that the same problem is to be found in some form or other in the Soviet Union, and in many instances it is far more complicated.

One of the reasons why these problems are more complicated is that many of them appeared a very long time ago and no serious steps were taken to solve the problems of the various minorities, be they national, religious or social. Those steps that were taken, moreover, were notable for their enviable simplicity: a sizeable proportion of any given minority was simply exterminated, sent to prisons and labour camps and banished or deported, so that the remaining members of the minority left at liberty would try to forget their grievances and keep quiet.

This all-purpose remedy really did work at the time. One might even say that the progress of the disease was each time arrested, but, of course, this was not treatment – the disease was simply driven inside the body.

Fortunately, those methods can no longer be fully applied (although I have not the time today to touch upon the question why they are now inapplicable). Nevertheless, preference is still given to solving problems by administrative measures. And if this approach does not produce the desired results (and the long history of humanity tells us that most of the world's problems cannot be solved in this manner), then the very discussion of a problem is forbidden. Let us imagine that a man crying 'Fire' comes running into this room where I am delivering this lecture, and instead of escaping or trying to put out the fire, that is, instead of taking steps to liquidate the fire and its consequences and avoid human suffering, we fall upon the man and tear him to pieces because he brought us unpleasant news and interfered with our enjoyment.

If I tried to name only those social problems of the Soviet Union that people in this room are familiar with, this would prolong our discussion for at least several days. And these are pressing, urgent problems which should have been solved long ago, because the primary condition, at any rate, the necessary, if not sufficient, condition for solving them is to be able to discuss them freely. Of course, I do not believe that free discussion is in itself a panacea and a guarantee that everything will be solved. Here in England you obviously have complete freedom to discuss the problem of Northern Ireland, but still it is not clear whether this Gordian knot is going to be

untied in the foreseeable future. Nevertheless, the possibility of free discussion is a necessary condition for solving the problem. When, after the death of Stalin in 1953, the Soviet government stopped trying to solve problems by, as it were, liquidating them root and branch, people began to think about their condition and discuss it. For the ten years from 1954 to 1964, under Khrushchev, timid attempts were made to discuss certain problems in the official Soviet press. The draconian ideological censorship was bewildered and, partly for this reason, slightly lifted the lid off the real situation in the country's social life. But then it took fright and slammed the lid back on again. But even in that short period of time, the people managed to acquire a taste for the free word.

As early as the mid-fifties the phenomenon of *samizdat* came into being, that is the copying of forbidden texts on typewriters and the passing of these copies from hand to hand in order to evade censorship. These texts, at the beginning, were mostly literary works that could not be published in the official press. They were by dead authors such as Osip Mandelstam, who perished in one of Stalin's labour camps, and Anna Akhmatova, who was expelled in 1948 from the Soviet Writers' Union and subjected to a campaign of slander and denunciations. Then, gradually, the works of living authors began to appear in *samizdat* and some of them found their way abroad and were published in book form there. The Soviet authorities perceived that this development posed a threat to their ideological monopoly and decided to make an example of two of these authors, Andrei Sinyavsky and Yuli Daniel, in order to intimidate the rest.

But now the customary mechanism of terror failed to work. The trial of Sinyavsky and Daniel in 1966 led to a worldwide outcry and paradoxically had the effect of attracting new authors into *samizdat*. A number of similar trials followed and in 1968 the trial of Yuri Galanskov and Alexander Ginzburg provoked a flood of protests both in and out of the Soviet Union, mainly directed against the violations of their own laws by the Soviet judicial authorities. These protests passed in turn into *samizdat*, found their way abroad and were broadcast back into the country by foreign radio stations. At the same time, the people who signed these various protests began to be dismissed from their jobs, which is the most widespread measure of repression commonly employed by the Soviet authorities and is usually most effective in a country where the state is the sole employer. But the surprising result was that each new act of judicial or administrative persecution, especially when accompanied by an orchestrated campaign of vilification in the Soviet press, merely brought more and more protests, and at the same time

drew public attention to the whole problem of the lack of basic human rights in our country. It was then that the question of legal guarantees for the rights of the individual began to become uppermost in people's minds and led to the beginnings of the movement for human rights. One may say that before 1966-68 most problems were regarded by dissenters in the light of the regime's stability or instability, but after this date, the issue of human rights became paramount.

Here, however, I would like to make a brief digression. The whole sad course of Russian history, reinforced ten-fold by decades of mass terror, has taught the population to consider every problem in binary terms of black and white, the way a computer does: yes-no, good-bad, useful to the state-harmful to the state. Practically any problem from fixing a leaking roof to a husband divorcing his wife, has come to be considered in these general terms. The regime has managed completely to politicise the minds of both its allies and its adversaries, allowing no autonomous approach to any problem. At the same time, the regime has the external trappings of a state based on law and never tires of proclaiming that it possesses the most democratic legislation in the world. The population, of course, has never taken these words seriously and anyone who has tried to do so has paid dearly for it. But the result of all this has been that those who were unhappy about the actual situation in the country (and the Soviet Union has always had many who are unhappy) could only hope that some force would appear that was able to oppose the mightiest army and the mightiest total system of controlling the thoughts and words of man that exists anywhere in the whole world.

Thus the present regime has had no trouble in putting into the heads of its adversaries the idea that there is no reality in the world but naked force and, accordingly, that it can only be opposed by force. I remember a friend of mine, who was an active distributor of *samizdat*, being asked by his father, who was very much afraid on his behalf and was familiar with all the things the regime could do: 'How many tanks do you have?' The son answered laughingly that they had none. 'Then what do you hope for?' the father cried. Similarly, I have been told a thousand times by people from all walks of society: 'You know, I'd love to have a machine-gun and shoot them all, all those big shots, etc, etc.' This is the natural and normal reaction of people who do not know of any legal procedures. There are so many people in the country who have written hundreds, even thousands of complaints, asking for things which might seem trifles at first sight, and who have never achieved anything except, on many occasions, trouble for themselves. Naturally, therefore,

there have been reasons for despair, reasons to think that only a physical liquidation of this unjust regime could lead to change. And the regime, too, found it easy to understand this kind of protest. The authorities' thinking was: 'Well, the man is offended, he was treated unfairly, which often happens, so he has become our enemy. . . .' But suddenly the ultimately politicised mind was confronted by something altogether different. For the first time it heard voices saying: 'Let us take all the formal democratic procedures existing in our society seriously, no matter how imperfect they may be. Let us demand that the authorities observe their own laws, honour their own constitution, and fulfil the international obligations to defend human rights that they freely assumed by signing international covenants.'

It should be noted that this approach was incomprehensible not only to the authorities in the Soviet Union, but also to the majority of the population. The low level of respect for and understanding of the law in Tsarist Russia has been remarked upon by many observers, and the lawlessness of the Soviet regime has served to lower it still further.

What is more surprising is a somewhat similar attitude to this problem that is met with in the West. Valery Chalidze, in his book *Human Rights in the USSR*, has noted the bewilderment caused certain people in America by his adherence to a legalistic position even after he had been deprived of his citizenship by the Soviet authorities. Since he was no longer threatened, they said, why did he not sharpen his criticism of the Soviet regime? I too have heard similar opinions expressed by people who consider discussions of human rights in the USSR as nothing but a tactical means of carrying on the struggle against Soviet power. Strangely enough, this is exactly the line taken by the KGB investigators when pursuing participants in the movement for human rights.

The best answer to critics of this approach was provided recently by Alexander Yesenia-Volpin, the mathematician, poet and well-known dissenter: 'Soviet power exists - that is to say a power based on the Soviet constitution and that has signed the Universal Declaration of Human Rights, and a Soviet gang exists that is violating all of this. It is against this gang that we have to struggle by legal methods, the methods of Soviet power.' Despite the paradoxical nature of this formula, it strikes me as highly apt.

Opponents of this approach often refer to the illegitimate and forcible dissolution of the Constituent Assembly by the Bolsheviks in 1918 and take this to indicate the illegitimacy of Soviet power in general. There can be no doubt that this act was illegitimate, but how many states in the West can boast that their initial establishment was

entirely legitimate? On the other hand, the Nazi regime in Germany was established in 1933 by wholly legitimate and democratic means, yet few critics would deplore the collapse of the Nazi regime. Therefore it seems unwise to me to pronounce on the legitimacy of a regime on the basis of the illegitimacy of its origins.

Many people also allude to the artificial character of democratic institutions in the Soviet Union, as for instance the system of elections to government office. They refer to the defects of the Soviet constitution, the existence of anti-democratic laws and a host of other things of this kind. I would not quarrel with these assertions, but they still do not invalidate the legalistic approach. The whole history of mankind teaches us that democratic institutions acquire real content – and anti-democratic laws are repealed – only as a result of pressure from below, from the people, and the movement for human rights in the USSR is concerned to mobilise just such pressure.

The Soviet authorities were taken aback by this switch of emphasis when it came. They were used to their adversaries forming underground circles, writing political programmes, trying to set up underground printing shops, writing something like a code and trying to recruit new members. They were always ready to handle a political enterprise of that sort. The whole police apparatus is tuned to catch those who are hiding, the way a dog will instinctively pursue a running man. But now nobody was running, people began to sign their own names and were prepared to defend a viewpoint that they openly voiced.

The authorities were forced to make urgent changes, to modify their habitual strategy and even to try to develop an individual approach to each of the new protesters. It was clear that it was impossible to persecute and try people directly for what they were saying and doing. Indirect ways had to be sought, provocations had to be engineered, etc. It was at that time, around 1968-9, that they began to apply the method of sending especially active dissidents to mental hospitals on a large scale. This method subsequently aroused the disgust of the whole civilised world and led to new exposures of the lawlessness practised in the USSR. Today the authorities seem to prefer activists of the human rights movement to go abroad. Of course, this does not mean that they have given up their old familiar ways of persecution: prisons, labour camps, mental hospitals, banishment. In fact, the regime in the prisons, labour camps and penal psychiatric hospitals in the Soviet Union is at the moment being made harsher and more punitive. Nevertheless, there is a clear desire, caused by the attention of world public opinion, to try to avoid the more scandalous outrages and abuses.

World public opinion, of course, is an essential element in the effectiveness of the human rights movement in the USSR. When Andrei Amalrik and I decided to make a regular practice of approaching Western correspondents in Moscow in 1967 and 1968, this was an unheard-of step among dissenters at the time and seemed full of risks and dangers, yet it proved itself to be one of the most valuable methods of mobilising public opinion abroad and since then has become commonplace. Similarly, when Larisa Bogoraz and I issued our appeal to world public opinion over the violations of Soviet law committed during the trial of Yuri Galanskov and Alexander Ginzburg in January 1968, it was the Reuter news agency that carried this appeal to the four corners of the globe and in so doing immensely strengthened our protest. And I should not need to remind this audience that it was Stephen Spender's response to this appeal that led to the establishment of the Writers and Scholars Educational Trust and *Index on Censorship*. I cannot over-emphasise to you how crucially important it is to our struggle for human rights to have this active and continuing support from abroad. Nor should it be forgotten that any diminution of interest on the part of public opinion in the West is immediately noted by the Soviet authorities and provides a severe setback to the movement for human rights in its struggle against repression.

Finally, let me say a few words about what the movement is. What do I mean by the expression, 'Movement for Human Rights in the USSR?' Our movement is a non-political movement. Its principal aim is not to engage in a direct struggle with the state ideology as such, or to oppose it with an alternative ideology, but rather to enlarge the area of political debate by creating publicity and giving the people an opportunity to voice their political views and engage in discussion. What it is trying to do, if you like, is create the prerequisites for normal political life to exist in the Soviet Union and follow normal channels. At the same time of course, the movement's members categorically reject those elements of intolerance, hatred and violence that are so sedulously propagated by the state ideology.

Perhaps I should emphasise that this does not mean that the participants in the movement do not have political views. On the contrary, most of them have strong views, in many cases views that contradict one another. This has been shown by, among other things, the debate that is presently in progress over the *Letter to Soviet Leaders* by Solzhenitsyn, in which he sets out certain theses for the future development of our society. What concerns me here, however, is the things held in common and the things that unite the members of the movement. What we have in common is com-

passion towards the oppressed man, defenceless and facing a mighty state, towards the minority oppressed by the majority. We are not so naive as not to know that the numbers of those who act openly are very small, that the majority of the nation does not hear us, does not understand us. On the other hand, we know that we are not alone, that large numbers of our people secretly sympathise with us, that they place their hopes in us, that they are grateful to us for saying openly what they dare not, due to a natural human weakness, and we know that there are many among them who are silent participants of our movement if only because they read, type and distribute *samizdat*. Of course, without these people the movement would not be able to exist. And we ourselves continue to act and speak not because we expect some direct comprehensive results, but because we cannot but act, because we cannot stay silent, and because we are confident that evil is to a large extent based on men's belief in its omnipotence. It is this very belief that we are trying to destroy.

We know that without the support of Western public opinion our movement could never exist and we are always grateful for this support. Meanwhile we hope that our experience may be of help to the people of the free world. That is why we want to bring our experience to those who have not had it, by reminding them of the bitter truths that violence cannot achieve anything good, that there are no simple and universal means of solving all problems, that something can be achieved only on the basis of tolerance and compassion, that it is useless to divide people and the world on the basis of politics, and that extremism of any sort, no matter what noble purpose it is meant to achieve, is dangerous for any society. □

Index on Censorship, v. 4, No. 1, Spring, 1975, pp. 11-15.

READING 68

Pavel Litvinov

Without many people in the West taking notice, an entire school of the more defiant or outspoken intellectuals was dealt with this way—pushed out to the West, like Solzhenitsyn, most of them lost in the flow of Jewish emigrants, though some were not Jewish. . . . Some people were bluntly warned by the KGB that they could either get out to the West or be shipped off to Siberia on an endless cycle of trials and convictions.

Pavel Litvinov's case is a classic example of the new tactic. The grandson of Stalin's foreign minister, Maxim Litvinov, Pavel is a tall, husky, rather Irish-looking young man with a gregarious smile and unaffected directness of manner. He was

exiled to a squalid, distant, and miserably cold village in Siberia near the Manchurian border as one of seven participants in the August 25, 1968 demonstration in Red Square against the Soviet invasion of Czechoslovakia. Although he had been trained as a physicist and although the village to which he was sent had no physics teacher in its local school Pavel had to work as a manual laborer in a fluorspar mine. When he returned to Moscow in December of 1972, he found it impossible to get regular work or to get re-registered for residence in Moscow with his wife and two small children. In the Yakir investigation, he was interrogated and blackmailed with offers to work and a residence permit if he would cooperate with the KGB. He refused. Somehow he managed to get private jobs tutoring high school students in physics and translating scientific works from English, and also to regain his Moscow registration. But he was drawn back into his human rights campaigning and had several run-ins with the secret police.

Events reached a climax on the evening of December 5, 1973, as Pavel headed for the brief, annual human rights vigil in Pushkin Square. Half a block from the square, he was surrounded by four men who said they were from the KGB. They ordered him to go with them. "I refused," Pavel later told me. "I asked to see their identification. They refused to show me anything. The leader—a short, stocky man with wide shoulders and a boxer's face, an unpleasant face with his nose pushed in—told me, 'if you do not come, there will be a fight and then you will get 15 days in jail for hooliganism.' So I agreed to go." They led him to a local police station where the leader took Pavel to a little room and talked to him for 20 minutes. Rather humorously, Pavel called the pug-nosed agent "my sponsor" in the KGB for he "knew everything about my case, my life history, my private life, my family. He was probably in charge of me."

"Oh, Litvinov," the KGB man said, "you are really going back to your old business again. Of course, you must understand that we will not tolerate this. We will not stand for such things. It is better for you to stop this business or you will be in much worse conditions than last time—and for many years." Pavel took this as a clear warning of a long term in the labor camps. But then came the alternative. "I know you have an invitation from the West and from Israel," the KGB man said. "If you apply for an exit visa, it will be the best solution for all. Otherwise, you will go East."

The alternatives were clear. "He didn't promise me, but there was mutual understanding of course," Pavel said. "They must have known how I was feeling because I had made no secret of how discour-

aged I was about my future prospects. I had even talked with friends about going abroad. Of course, the KGB prefer for people who are well known in the West to be abroad rather than send them to Siberia because there is less of a scandal.

Within a month, Pavel had applied to emigrate and two months later he was in America. It was a pattern repeated in a number of important cases with the same choice—go West into oblivion or see yourself slowly destroyed here. A fair number, like Litvinov, chose the West and the dissident movement lost them for good.

"We are so alone," lamented one woman who stayed behind, "First Solzhenitsyn; then Nekrasov, Galich, Litvinov and all these others. Living in Moscow now is like living on the moon."

Note: Pavel Litvinov teaches physics and calculus at The Hackley School, Tarrytown, New York. He was a special lecturer in the summer workshop associated with this project.

Hedrick Smith, *The Russians*. New York: Ballantine Books, 1976, pp. 618-20.

READING 69

Summary of "Profile of Five Prisoners of Conscience"

The following are case histories that intend to show the reasons why prisoners are arrested in the Soviet Union. In these cases, the prisoners of conscience were arrested because of their political or religious views.

Parvir Airikian

Parvir Airikian, born in 1949, is a native of Armenia, a Soviet Union republic south of the Caucasus Mountains and bordering on Turkey and Iran. Mr. Airikian was a student at Yerevan Polytechnical Institute when he was arrested in 1969. He was charged with forming an organization with "anti-Soviet aims" and with distributing "anti-Soviet" literature. The literature was about the Soviet policy on nationalities and the creation of an independent Armenian state. Mr. Airikian was given the heaviest sentence because he was supposed to have been the leader of the group. His punishment was four years in a prison labor colony. While he was in prison, he and eight other prisoners signed an appeal to the International Red Cross about prison conditions.

Mr. Airikian was released in 1973, but was arrested again because he tried to attend the trial of two of his friends. He was sentenced to prison for two years but was not sent at once to serve the sentence. Instead, he was kept under observation in a KGB prison. He was eventually charged with "anti-Soviet agitation and propaganda." A letter was used by the

prosecutor to prove that Mr. Airikian had previous "contact with foreigners." Mr. Airikian denied the charges. He was sentenced to seven years in a strict corrective labor camp followed by three years' exile.

Alexander Dmitrievich Feldman

Alexander Feldman born in 1947, is a Ukrainian Jew. In 1972 he applied to be allowed to emigrate (leave) to Israel. Immediately the police searched his flat (apartment) and took some of Mr. Feldman's literature. Emigration officials refused his application. They claimed that Mr. Feldman knew "military secrets" even though his military service had ended four years earlier. He protested the decision and was put in prison on three separate occasions (about fifteen days each time). Mr. Feldman was subject to frequent arrest, surveillance and harassment by the police.

In October of 1973 Mr. Feldman was arrested and charged with "malicious hooliganism." (In the Soviet Union malicious hooliganism is described as: "intentional actions which grossly violate public order and express an obvious disrespect toward society.")

The police claimed that he had attacked and caused physical injury to a woman and had violently resisted two male citizens who had tried to assist the woman. He was sentenced to three and a half years in a corrective labor colony.

A large amount of information is available to support Mr. Feldman's claims that the case against him was a "frame-up." At the last minute his trial was shifted from a regular court building to a factory, where even Mr. Feldman's friends and relatives were not allowed to attend. Only prosecution witnesses (against Mr. Feldman) were questioned. Mr. Yezhov, Feldman's lawyer, appealed the case. He was almost immediately retired on a pension.

Mr. Feldman is serving his sentence in a labor colony in the Ukraine. There have been reports that he is ill but has not received proper medical attention. He has not been excused from hard physical labor. He has been in punishment cells and has been denied visits by members of his family.

Kronid Arkadevich Lyubarsky

Kronid Lyubarsky, born in 1943, is an astro-physicist. He has written a number of articles on meteors, planets, space biology, etc. He has also written three scientific books and has translated books into Russian.

In January 1972 he was arrested, along with several others, for being involved in the publication of the human rights journal *A Chronicle of Current Events*. Mr. Lyubarsky was detained for eight months before he was brought to trial. In October 1972, he was charged with "anti-Soviet agitation and propaganda." At the trial Mr. Lyubarsky admitted that he had distributed several samizdat (typewrit-

ten manuscripts considered unpublishable in the Soviet Union) works, but denied that his intention was "anti-Soviet." Mr. Lyubarsky pointed out that socialism would be strengthened if citizens could criticize official policy. Instead they are prosecuted for stating opinions.

Mr. Lyubarsky's lawyer asked for a reduced charge and asked that Mr. Lyubarsky be allowed to continue his scientific studies. Both requests were denied. He was sentenced to five years in a labor colony.

Before his arrest Mr. Lyubarsky had part of his stomach removed in surgery. In prison he has been given no special diet. He was moved to a different prison after a number of protests and hunger strikes.

Yakov Nikolayevich Pavlov

Yakov Pavlov was born in 1935. He is the father of eight children and is an Evangelical and Christian Baptist. He is a member of the "dissenting wing," which means he refuses to accept some of the restrictions placed on religious activity. One of the restrictions is on the right to instruct children in religion.

In 1973, Mr. Pavlov was arrested with five other Baptists and charged with several offenses in connection with their religious activity.

At the trial, the prosecution charged that the accused had spread religious propaganda through the use of sermons, tape-recordings, and performances of religious verses and songs (some of which were "accompanied by musical instruments"). The prosecution also charged that religious lessons were organized for under-age children, a violation of the "separation of church from state and of church from school." Evidence consisted of printed and tape-recorded sermons and songs taken from the defendants' homes. There was also eyewitness testimony that the defendants' children gathered together on Saturdays and Sundays and religious songs were sung at the gatherings.

Mr. Pavlov denied the publication of anti-Soviet literature, but admitted that he had distributed copies of the Bible because they were in short supply. He admitted that he had criticized official policies and actions toward religious believers in the U.S.S.R., and had taught his children about their religion. He reminded the court that Lenin had defended the right of each person to preach his faith.

Mr. Pavlov was convicted and sentenced to five years in a labor colony. The court also took away his rights as a parent. Three of his co-defendants also lost parental rights over their children.

Irina Stasiv-Kalynets

Irina Stasiv-Kalynets, born in 1940, is a Ukrainian poetess. She has written poetry for children and has received high praise from critics. She was a lecturer in language and literature at the Lvov Polytechnical Institute. Her husband is also a poet and

they are parents of a teenage daughter, Dzvinika.

Mr. and Mrs. Stasiv-Kalynets had protested in 1970 and 1971 about the arrest and imprisonment of two other Russian citizens. Mrs. Stasiv-Kalynets had also taken part in organizing a Citizen's Committee in Defense of Nina Strokata (a micro-biologist who was arrested), and was dismissed from her job.

In 1972 Mrs. Stasiv-Kalynets was arrested and charged with "anti-Soviet agitation and propaganda." She was tried in a closed session. She was found guilty and sentenced to six years' imprisonment in a labor colony, followed by three years in exile. The following month, her husband was arrested and given the same sentence. Dzvinika has been left in the care of relatives.

Mrs. Stasiv-Kalynets is serving her sentence in a colony for women. She has been involved in a number of appeals to authorities for prisoners to be able to practice their rights. The prisoners, for example, were not permitted to take part in religious services for Easter.

Mrs. Stasiv-Kalynets has been reported (1974 and 1975) to be suffering from a serious condition affecting her liver and kidneys. She has not been able to receive medicines and warm clothing.

Summarized from: *Prisoners of Conscience in the U.S.S.R.: Their Treatment and Conditions*. London: Amnesty International, 1975.

READING 70

IOSIF MENDELEVICH

Born into a family close to Jewish tradition, Iosif Mendelevich studied Hebrew on his own as an adolescent and read whatever he could find on Jewish history and culture. He and his family were refused permission to emigrate to Israel three times between 1967 and 1970.

On June 15, 1970, Mendelevich was arrested at Leningrad's Smolnil Airport for the alleged attempt to steal a plane to Israel. Simultaneously, Soviet Jewish activists were apprehended in cities throughout the Soviet Union.

After world-wide expressions of outrage, Mendelevich's original sentence of 15 years was reduced to 12 years in a strict regime labor camp.

The release in April 1979 of seven prisoners serving heavy sentences imposed at the infamous Leningrad trials, would have marked a triumph for morality and justice; yet it was marred by the cruel and unexplained retention of the last founding members of the group, Iosif Mendelevich, as well as the two non-Jewish members, Yuri Federov and Alexsei Murzhenko.

Although Iosif carried a lighter sentence than

some of his comrades, his release was refused. Throughout the nine long years of his internment, Iosif has courageously persisted in the strict observance of his religious beliefs, despite the additional hardships and suffering this has brought upon him.

In the spring of 1977, he was accused under the Corrective Labor Code of "maliciously violating the regime of confinement"—the main evidence being his refusal to work on Sabbath (though he worked extra hours on other days to make up his lost time) and his "violation of the form of camp dress," i. e. his insistence on wearing his "yarmulke." He was punished by being transferred to the notorious Vladimir prison and thereafter to the equally notorious Chistopol prison in Central Russia where he is today.

Mendelevich refused to eat any unkosher foods in his grossly inadequate daily diet, and he has lost considerable weight. During the eight days of Passover, he existed on nothing more than a few ounces of unleavened bread—the only ration he was permitted. According to Soviet law, every prisoner is entitled to receive only two food parcels of 1 kilogram each per year, and this has made it impossible to provide Mendelevich with sufficient provisions for his sustenance.

Iosif suffers from hypertension and his health is rapidly and dangerously deteriorating under the subhuman conditions in which he fights to exist. Throughout his painful struggle, Mendelevich has never complained, but in a desperate letter to his family in Israel, he expressed his fear and anguish at his increasingly failing health and overwhelming fatigue.

New York: National Conference on Soviet Jewry, 1980.

READING 71

Summary of "Sakharov Arrested by Soviet and Sent to Restricted Area" by Craig Whitney, New York Times, January 23, 1980.

On January 22, 1980 Andrei D. Sakharov was arrested and flown out of Moscow. Relatives were told that Sakharov and his wife were being sent to Gorky, a center of military production. The city is closed to foreigners.

Sakharov, a nuclear physicist who helped develop the hydrogen bomb, is Russia's foremost dissident. The timing of Sakharov's banishment has been taken as a sign of a shift towards a tougher policy towards dissidents. Russia is currently under American criticism for its invasion of Afghanistan. Russia has also been removing active dissidents from Moscow in preparation for the Olympic Games.

Sakharov has been stripped of all his awards for his nuclear research, including his title "Hero of Socialist Labor." Legally, he is entitled to a trial on criminal charges before enforced residence or internal exile is imposed. Sakharov was picked up around 3 p.m. by uniformed police when he was on his way to a science meeting. He and his wife were put aboard an airliner about 6 p.m. Uniformed police and plainclothesmen surrounded his apartment.

In 1968 Dr. Sakharov wrote an essay denouncing censorship and other issues. He charged that the Soviet authorities consistently violated articles of the International Declaration of Human Rights by jailing political prisoners. In 1975 he received a Nobel Peace Prize. In an interview on January 2, 1980, he asked the United Nations to pressure Russia to "withdraw its forces from Afghanistan," calling the situation "tragic, dramatic, and dangerous."

At the time of Sakharov's arrest, Deputy Prime Minister Vladimir A. Kirillin resigned. Mr. Kirillin is also a physicist and has supported Sakharov in the past. Prime Minister Aleksei N. Kosygin is Kirillin's immediate superior. Craig Whitney writes, "It appeared that Dr. Sakharov's arrest would be taken by other dissidents here as a signal of what might await all of them. There has been concern here that the next step after Afghanistan would be a crackdown on dissidents." The number of dissidents in Russia has declined because of arrests and emigration. Dissidents or members of religious minorities in distant areas of Russia often appealed to Dr. Sakharov to pass along information about their situations to foreign reporters. He has reported at least 40 arrests of human rights activists. In Gorky he will more than likely have little contact with dissidents or foreigners.

Tass, the official press agency, reported that "Andrei Sakharov has been conducting subversive activities against the Soviet state for a number of years," and "he was repeatedly warned . . ." Sakharov was warned by a prosecutor in 1977 to discontinue his "slandering activities" or be prosecuted. A letter from President Carter was written in Sakharov's behalf and he was left alone.

New York Times, Jan. 23, 1980.

READING 72

"... something . . . made me different, I happened to be born a Jew."

Alla Rusinek, a young Russian woman, describes her Jewish awakening in this excerpt from the account which she calls "How They Taught Me I Was a Jew." It appeared on March 4, 1971 in the New York Times Magazine.

You ask me how I came to the idea of leaving the Soviet Union and going to Israel. I think that though I heard about Israel only four years ago my whole life was the way to it. You can see it yourself.

I was born in Moscow in 1949 and was the most typical Soviet girl. I studied well, was a young Pioneer-Leninist. . . .

I gave all my time to my school, my Pioneer organization and later the Young Communist League — the Komsomol. I worked hard . . . And I loved my country, my Soviet people.

My? Yes, I thought it was mine. But there was something that made me different from other people. I happened to be born a Jew. I didn't know what it meant but it was written in my identity card: *Yevreika*. My Russian classmates insulted each other with this word. I saw it written in chalk on the walls of the houses. It was written very distinctly in my identity card and legalized by a round seal of the government. . . .

Little by little I began to understand what it meant to be Jewish. In 1961 I was not admitted to a special English high school. In 1966 I was not admitted to the Institute of Foreign Languages. I thought it was my personal failure and couldn't understand why the examiner, looking at my identity card, said that I didn't speak good Russian.

Well, in other words, I understand at last. They don't want me. I am a stranger, this is not my country. But where is a place for me? I began to be proud of being Jewish.

. . . I understand that to be Jewish meant to belong to the Jewish nation with its history, culture, religion.

. . . You ask me what I think about Israel now that I live there. It is difficult to answer this question. It is the same as if you asked me what I thought about myself. I can't praise myself. Israel is me and I am Israel.

The Record: The Jews of Russia: A Question of Human Rights. Washington: Anti-Defamation League, B'nai B'rith, 1980.

READING 73

Traditional Jewish Roots Longingly Brought Down

There is a yearning for a return to traditional Jewish roots among a number of Jews born after the revolution. The following is one such personal account as reported by Hedrick Smith in his book, The Russians.

Roman Rutman, a short, quiet, well-composed middle-aged mathematician told me not long before his departure for Israel in 1973 that he had been brought up in a Communist Party family and had learned about Judaism backwards — piecing it together by reading between the lines of atheistic attacks on religion. As a boy, he had never been to synagogue. "It was almost impossible for someone to have a Bible then (the Stalin years)," he said. "When I

was about 20, I felt some moral vacuum. I wouldn't call it a religious longing, just a sense of something missing from life. I would read any religious literature to find out about the Bible. I would read, for example — and this is very rough — about the Flood in one place and about Noah in another place, and I would put them together." By the time I knew him, Rutman went fairly regularly to the synagogue but that was to maintain contacts with other Jewish activists, not to attend services. Not until almost the eve of his departure, Rutman confided, did a rabbi persuade him to don a prayer shawl. "I found the Bible beautiful," he said. "It's really poetry. Quite lovely." He began to study Judaism and to teach it to his son.

The Record: The Jews of Russia—A Question of Human Rights. Washington: Anti-Defamation League, B'nai B'rith, 1980.

READING 74

Emigration an Ordeal

Even after permission has been granted, the emigrant often faces a humiliating ordeal. This is an excerpt from an account by Edward Topol of his departure from the Soviet Union.

Thousands of foreigners, dressed in their fineries, pass through Sheremetievo Airport and are treated with the utmost courtesy. Not Jewish emigrants. They must come to the airport two, sometimes three days ahead of time. They can't leave until they hear the announcement: "Who is leaving for Israel?"

Then the torment begins. An old woman in her eighties is forced to carry her luggage several times from one inspection station to the next. For another: the inspector

opens the suitcase then picks out a little, new, factory-wrapped box of cleaning powder. "Open it, put it in plastic." "Where will I get cellophane?" "That's not my business; I can't let it go." More: the official spots a porcelain cup. "Weren't you told you can't take it out without a permit?" "I inherited it from my mother, and anyway it's cracked." "It's a Soviet-made cup; you can't take it. Pack your suitcase. Hurry!" A well-dressed customs employee, smelling of whiskey, circulates: "I'll pack the suitcase for you. Ten rubles. O.K.?"

No chance to relax. "What's this?" "Children's paintings." "No, they're regular paintings." "But my daughter drew them." "Doesn't matter. You need a permit from the Ministry of Culture; you've got to pay duty on them."

It's lawful robbery. To a person who's emigrating a limited time is given to prepare for his trip. Force him also to knock on the doors of so many offices for permits that he gets disgusted with the whole thing and

says to himself, "I'll leave everything I've accumulated in my lifetime to them. Just get me out of here quick." Do Westerners know what's forbidden for emigrants to take? Sugar, salt, salami, and canned food. My seven-year-old niece couldn't take out her small training violin because it was imported. Only a Soviet one, and that only if you pay duty on it.

What did that emigration official tell me? "You've betrayed our country, so what do you expect for us to pamper you?" My friend's old mother told him at the airport: "Valera, you left them your house, car, job, furniture and savings account. If they want the silver, let them have it. Let them go to hell."

Meanwhile, my sister isn't running anywhere. She stands, stunned, as the inspector pulls out her little daughter's dresses, examining

every seam. She begins to cry. I leave my bags and run over to her. She just couldn't take the manner in which he was pulling out her underwear publicly and examining it. Then came the demand that I sign a statement that I had contraband, and the gynecological search of my wife and ten-year-old daughter. The boarding time is announced. It's hard to believe our tribulations have ended.

The Record: The Jews of Russia—A Question of Human Rights. Washington: Anti-Defamation League, B'nai B'rith, 1980.

READING 75

The Right to Cultural and National Identity: Overview

Karl Marx once called Tsarist Russia, "the prisonhouse of nationalities." To a large extent, that description is still true. The USSR is composed of 15 national republics and over a hundred national groups. All of them are legally guaranteed full national and cultural development; they even have the right, according to the Soviet Constitution, to secede from the Soviet Union if they wish. In reality, a pervasive policy of "Russification," of subordinating all nationalities to the dominant Great Russian group, continues unchanged from the days of the Tsars.

The position of the Jewish national minority in the Soviet Union is especially tragic. The Jews of Russia had created a rich national and cultural life under the Tsars, under the most difficult of conditions. They had their own schools, theaters, literature and languages. That heritage was savagely attacked in the 30's, and its destruction was completed by Stalin in 1948. He shut down the presses, melted the type and murdered the writers.

Jews are now in a kind of "Catch 22" predicament. They are scattered throughout the Soviet Union. There is no Jewish national republic in Russia. Yet in their internal passports, the line for nationality is stamped "Yevrei," Jew. Marked with their national identity, they have been robbed of its content. Hebrew is the only language that is banned in the Soviet Union. Zionism is outlawed, and Zionists are branded as "enemies of the people." Although each nationality group in the USSR has the right to its own school system in its own language, there are no Jewish schools in Russia. In a country where close to a third of a million Jews claim Yiddish as their mother tongue, there are only two Yiddish-language publications: a monthly journal, and a four-page newspaper in Birobidzhan. Few Yiddish books are printed. There are no Jewish publications in Russia, and not a single book on Jewish history is sold in the Soviet Union in any language.

Jewish identification carries with it many disadvantages. There is re-

liable evidence that Jews are subject to quotas in universities and in certain fields of employment. They are excluded altogether from sensitive security areas, the diplomatic corps, and the higher, decision-making echelons of the government and the Communist Party.

The Kremlin's policy of suppressing Jewish culture while maintaining Jewish separateness has had interesting results. It has heightened national awareness, especially among the younger generation of Jews. If we must be Jews, they say, we want to know what it is we are. The pressure has forced the Soviet government to announce recently the formation of a professional Yiddish theater troupe. But most Jewish activities are "unofficial," that is, not sanctioned by the government and conducted in secret. Jews have begun to study Hebrew, to hold cultural seminars in religion, history and literature, and to circulate Jewish samizdat material. The Jews of Russia are asking that their national and cultural identity be restored to them.

The Record: The Jews of Russia—A Question of Human Rights. Washington: Anti-Defamation League, B'nai B'rith, 1980.

READING 76

The Right to Practice Religious Beliefs: Overview

All faiths face discrimination in the Soviet Union. Opposition to religious beliefs and practices have been part of the Communist credo since Karl Marx first called religion "the opiate of the people." Communism demands the total allegiance of its adherents; there is no room for alternate ideologies.

The history of Soviet persecution of religion began immediately after the Revolution. Within the first few weeks, churches and synagogues across Russia were wrecked or converted into factories, warehouses, or "museums of atheism," whose purpose was to "expose" religion. In the 30's, a shock force of professional agitators called the League of the Militant Godless attacked religious institutions. Clergymen were arrested, persecuted and shot during Stalin's great purges. The war on religion came to an abrupt halt with the Nazi invasion of Russia in 1941. Stalin realized that he needed the support of all elements in Soviet society, including the still considerable force of religion. The campaign was renewed in the late 50's. Dissidents report that 10,000 places of worship were closed down in those years.

Although the Soviet Constitution guarantees the right of religious freedom, a series of laws have severely limited that right. In practice, the only activity permitted religious groups is the narrowest type of worship. No religious instruction is allowed in public or private institutions. No youth or study groups are permitted. Private meetings are restricted; services in homes or cemeteries must first get special permission of the civil authorities. This means that mourning rites cannot be observed in Jewish homes, or last rites administered by a priest. All clergy must be registered and the State Council on Reli-

gious Affairs can name or dismiss religious officials. Most important of all, religious education of children under 18 is strictly forbidden; violation is a crime punishable by prison. In addition to all these regulations, religious observance is a bar to promotion or even employment. Children of religious families are ridiculed and sometimes even removed from their homes for "reeducation."

Judaism is in a special position in the Soviet Union. Not only does it suffer from all the restrictions imposed on other religions, it is subject to added disabilities. The Jewish religious community is the only denomination in the Soviet Union that has no central organization. This means that each synagogue is isolated, and that there is no recognized authority to act as the Jewish spokesman to the government. Unlike other groups, Jews are not allowed to publish periodicals or manufacture ritual articles like prayer shawls, mezzuzahs, etc. Matzah production was forbidden from 1957—1964 and is still severely limited. Jews are the only religious group unable to maintain regular, official contact with coreligionists outside Russia. Jews are also prevented from training future leaders: only one seminary, opened in 1957, exists in all of the Soviet Union, and it has never ordained a Rabbi.

Jews have been particularly hard hit by the anti-religious campaigns. About 60 synagogues remain, half of them in Georgia and Central Asia where only 10% of the Jews in the USSR live. No new Jewish cemeteries are permitted. Many of the old ones have been desecrated and all of them are subject to Soviet regulations which say they can be turned into public gardens 20 or 30 years after their last use. Because of this rule the historic Jewish ceme-

tery at Minsk was levelled to make way for a football stadium and a dance hall.

The attacks on Judaism have been particularly fierce and crude, as in Trofim Kichko's book *Judaism Without Embellishment*. When Judaism is attacked, all Jews, religious or not, are affected. An attack on Islam does not single out any one national group, but an attack on Judaism applies only and universally to Jews.

Despite all government attempts to eradicate it, religion is still very much alive in the Soviet Union. There is no way of knowing exactly how many Russians are still religious. Only one census, in 1937, asked about religious beliefs. When one-third of the population declared themselves believers, the returns were destroyed and the census officials arrested. Since then, the question has not been asked. But Soviet authorities admit that there has been a religious revival in recent years, especially among the young. The magazine *Science and Religion* reported that one-half of the couples in some areas, including Moscow, have religious weddings, and that more than one-half of all newborns are baptized. The Buddhist group of eastern Siberia, Moslems in Central Asia and many Protestant groups are very active. The Georgian Jewish community still maintains its strong religious traditions. Among many Jews with no religious background there is a new spirit. It is evident when thousands dance and sing in the streets of Moscow and Leningrad to celebrate the holiday of Simhat Torah. The synagogue has become the "Jewish address" of many young Jews. For many people in the Soviet Union, the right to practice one's religious beliefs has taken on increased importance. ■

The Record: The Jews of Russia—A Question of Human Rights. Washington; Anti-Defamation League, B'nai B'rith, 1980.

READING 77

Vladimir Shelkov

MOSCOW — Members of the Seventh-Day Adventist church said Vladimir Shelkov, who spent 23 of his 84 years in Soviet camps or prisons, has died in a labor camp in eastern Siberia. He was last arrested in 1978 for circulating tracts against the Soviet system.

The Record: The Jews of Russia: A Question of Human Rights. Washington: Anti-Defamation League, B'nai B'rith, 1980.

READING 78

The Orlov Tribunal

Lyudmila Alexeyeva and Others

On 12 May, 1976, Professor Yuri Orlov, a Soviet physicist, founded a Group to Promote the Observance of the Helsinki Agreements in the USSR. This was the first of many such similar groups in Eastern Europe and had nine members to begin with. On the day of its foundation, Professor Orlov was warned by representatives of the KGB that his action was unconstitutional and illegal, but no evidence was offered to support this accusation. In the course of the following year the Group issued 19 major reports on violations of the Helsinki Accord in the Soviet Union, and on 10 February, 1977, Professor Orlov was arrested on unspecified charges. In May 1977, Professor Orlov's wife retained the English barrister, Mr John Macdonald, to act as her husband's defence lawyer, but Macdonald was refused a visa to enter the Soviet Union. He then hit upon the idea of conducting his case for the defence of Orlov in the form of a special tribunal, at which evidence was heard from several dozen expert witnesses, including some former members of the Helsinki Group now in the West. The tribunal was held at the Institute of Physics in Belgrave Square, London, on Monday 13 June, and the evidence subsequently transcribed and submitted to the Soviet courts for consideration. What follows here is a condensed selection of some of the testimony that was offered.

Formation of the group Lyudmila Alexeyeva

Yuri Orlov and his wife Irina Valitova live in a small two-room flat in Moscow near the University. Orlov is a scientist. He is a very quiet, capable man; he listens carefully to what people have to say and that is why people like talking to him.

The Helsinki Declaration which Mr Brezhnev signed in 1975 was widely publicised throughout the Soviet Union. Many of us who had taken an

interest in human rights were disappointed that the provisions of the Helsinki Declaration were not more specific; Orlov thought it would be helpful to establish groups in the countries which had signed the Helsinki Declaration to see how far the citizens of those countries enjoyed the rights set out therein.

The Group to Promote Observance of the Helsinki Agreements in the USSR was formed in May 1976 by ten people who had been participants in the human rights movement. I was a founder member. The formation of the group was our own idea. From the beginning we made no secret of what we wanted to do, and announced our intentions at a press conference on 13 May at the home of Andrei Sakharov, whose wife, Elena Bonner, was a member of the group.

From the beginning the Soviet authorities knew exactly what we were doing. On 13 May Orlov was interrogated by the KGB about the formation of the group. He was told that no one could doubt the Soviet Union's sincerity in implementing the Helsinki Declaration, and was warned that the formation of the group was unconstitutional. Orlov's response was that it was absurd to suggest that a group designed to promote the undoubted policy of the Soviet government could be unconstitutional.

Between 12 May 1976 and 10 February 1977 (when Orlov was arrested) the group issued 19 major reports on questions of human rights as well as a number of shorter statements on particular problems. During this period I was in constant touch with Yuri Orlov and knew precisely what Orlov was doing, as I was responsible for much of the secretarial work of the group.

The work of the group quickly became well known. People wrote to us, telephoned us, and came to see us from all parts of the Soviet Union. Some of them were individuals who felt they had been badly treated. Some of them, like the Pentecostals, the Crimean Tatars, or the Meskhetians, were representatives of wider communities, who wished us to consider whether the way they were being treated accorded with the principles of the Helsinki Declaration.

Orlov spent most of his time seeing people who came to him with their problems, examining their documents and questioning them to test the accuracy of the statements they made. When people came without documents, or when the documents they brought were unsatisfactory, members of the group travelled to the places from which they had come to find out whether the information we had been given was correct.

We sent all the reports to the Soviet government by registered post and received an official acknowledgement. We sent the first six reports by registered post to the embassies of the countries which were signatories to the Helsinki Declaration, but received no notification that these reports had been delivered. We also gave our reports to the foreign correspondents in Moscow, usually at a press conference held at the home of one of the members of the group.

In lieu of notification that the six documents posted to the embassies had been received, we

decided to send the subsequent documents to the governments of the USA, the United Kingdom and Canada. We also sent some of them to the government of West Germany. I was responsible for delivering these documents and did it quite openly; I was the only member of the group who delivered them.

Prison conditions Vladimir Bukovsky

I am 34 years old. I have been arrested four times because I expressed opinions which were not acceptable to the Soviet authorities. In all I have spent more than eleven years in prison, camps and psychiatric hospitals.

I spent a long time in Vladimir prison. The normal cells there have iron screens on the window so that no ray of light can penetrate. The cells are of different sizes, with three, five or ten men in the same cell, locked up all through the day except for half an hour of exercise, which takes place in a small courtyard, like a room without a roof. Only people who are in the same cell are allowed to exercise together.

The walls of the cells are made of rough concrete so they cannot be written on. They are damp. There is a heating system, but part of the punishment is to keep it deliberately low even in winter-time. The guards shove food through a trap door.

Sometimes the cells have no lavatories at all, only a bucket. Sometimes there is just a hole in the floor without any separation from the sewage system; all the stench from the sewage system thus comes back inside the cells, which have no proper ventilation system.

In punishment cells the conditions are worse. You are kept in solitary confinement in a room which is about 2½ sq.m. The only light is from a small bulb in a deep niche in the ceiling.

At night you sleep on wooden boards raised a few inches off the ground without any mattress or blankets or pillow. You are not allowed to have any warm clothing. Often there is no heating at all in winter. It is so cold that you cannot sleep, you have to keep jumping up and running round your cell to keep warm.

At 6 o'clock in the morning your wooden bed is removed and there is nothing for you to do for the rest of the day, no newspaper to read, no books, no pen or pencil or paper—nothing.

According to the regulations a prisoner can only be put in solitary confinement for 15 days, but quite often when one 15-day period ends prisoners are put back for another 15 days. I was lucky, because although I was in solitary confinement several times, I only had 15 days at a time. Others were not so fortunate. It is quite customary for people to spend 45 days in solitary.

In solitary confinement prisoners get a specially reduced diet. This is part of the punishment which I received in Vladimir prison in 1976 after Mr Brezhnev had signed the Helsinki Declaration. On alternate days I had nothing to eat or drink except a small piece of coarse black bread and some hot water. On the other days I had two meals—in the

middle of the day some watery soup with a few cabbage leaves, some grains of barley, sometimes two or three potatoes. Most of the potatoes were black and bad. In the evening I had gruel made from oatmeal or some other cereal, a piece of bread and several little fish called *kilka*, which were rotten. However hungry I was, I could not eat them. That was all.

The shortage of food, the poor quality of the food you are given, and the appalling living conditions mean that almost everyone who has endured imprisonment suffers from stomach ulcers, enteritis or diseases of the liver, kidneys, heart, and blood vessels.

When I was first arrested I was very healthy, but after I had been in prison I too began to suffer from stomach ulcers and cholecystitis. This did not make any difference to the way I was treated. I was still put in the punishment cell on a reduced diet.

I was in the same cell with Yakov Suslensky, who suffers from a heart condition. He had a severe heart attack in an isolation cell, but was not taken out of isolation. After we had protested he was moved, but only to another isolation cell. After he came out of isolation he had a stroke. This was in March 1976.

I was also in Vladimir prison with Alexander Sergienko who had tuberculosis. Notwithstanding this he was put in solitary confinement on a reduced diet. The details which the group issued on the punishments which he and I endured are correct.

I was also in prison with Mikhail Dyak, who suffers from Hodgkins' disease. He was released early, but not until three years after confirmation of his diagnosis. I knew many other people who were not released even though they had cancer and other serious illnesses.

In Vladimir prison I knew Zinoviy Antonyuk, Vladimir Balakhonov, Nikolai Budulak-Sharygin, Georgi Davydov, Gabriel Superfin, Leib Knokh, and Bograt Shakhverdyan. All of them were ill and the state of their health would have justified their early release.

In prison you are allowed to send out one letter a month, but the authorities can deprive you of that. If prisoners try to describe their state of health or the lack of medical help in prison, their letters are confiscated.

In prison hospitals essential medicines are often not available. For example, they have no blood bank. I remember in 1975 a man named Kurkis who had an ulcer which perforated. There was no blood available to give him a transfusion. He lay bleeding for 24 hours and then he died.

When you come out of prison or camp you are still subject to surveillance. You have to live and work where you are told. You are not allowed to go out of your house after seven at night and before eight in the morning. You are not allowed to visit public places like restaurants, cinemas, churches. You have to go to the police station to report every week. That is normal, it is part of life in the Soviet Union.

I left the USSR in December 1976, eighteen months after the Helsinki Declaration was signed.

Andrei Amalrik

I was arrested on 21 May 1970 and for thirteen months was held in investigation and transit prisons in Moscow, the Urals and Siberia. From June 1971 until April 1973 I was in a strict regime camp at Kolyma in the Magadan region of North-Eastern Russia. I then spent eight months in an investigation prison in Magadan, and was subsequently in exile there. I left the USSR in July 1976.

The strict regime camp of Kolyma is 300 kilometres north of Magadan, where the winter lasts eight months and is very harsh; the temperature varies between 20 and 60 degrees centigrade below zero.

The camp is surrounded by several rows of wire. Inside the wire are two wooden fences, and dogs patrol the space between them. The camp is divided into a living compound and a work compound. In the living compound are four barrack huts accommodating 800 prisoners.

All the prisoners have to wear uniform made of thin grey cloth and very thin boots. Everyone has their name and number sewn on their clothes. You march everywhere in columns.

Prisoners are fed three times a day. Breakfast is a sort of thin porridge, dinner is soup. Those who have fulfilled their work norm get extra porridge. The soup is very poor and has very few vitamins. That is why most of the prisoners are ill. Every minute of the day is planned and prisoners get less than an hour to themselves.

Prisoners work in the machine and furniture factories where the dust fills your lungs, or outside cutting wood and in the construction brigades.

It is difficult enough to work outside when the temperature is less than minus 20 degrees centigrade; at minus 50 or 60 degrees the conditions are almost unimaginable. When it is as cold as that there is a sort of dry fog, which means that if you extend your arm, you cannot see your hand. Yet every day you have to go out and work (with the exception of only one day when I was in camp). It is so cold that many prisoners suffer inflammation of the ear, which can lead to loss of hearing. You are not allowed to wear extra clothing or a fur cap. I made a band to go over my ears out of some socks, but the guards believed that I must be wearing this so I could listen to the BBC, which of course was nonsense.

I was put in a punishment cell on two occasions. Once in prison and once in camp. I was in a cell by myself. The cell was 1½ m. wide and 2½ m. long. The bed in the cell was made of wood. It was attached by hinges to the wall. In the daytime it was raised up and locked against the wall. The only thing to sit on was the concrete block on which the bed rested.

When I was put in the punishment cell my usual clothes were taken away and I was made to wear specially thin clothes. There were no books. You were not allowed to smoke. I was given warm food only every other day and then it was of very poor quality. On the other days I just had bread and water.

There was some heating in the punishment cell in prison, but there was no window and it was like living in a stone box. In the punishment cell in camp the heating was very low and there was a window, but it had no glass in it, so that the intense cold came right into the cell. It was impossible to sleep. You had to keep moving about all night in order to keep warm.

I was lucky. I only spent five days in the punishment cells. The usual period was 15 days. Frequently people spent 15 days in the punishment cells, were let out for one day and then put back for a further 15 days. Repeated solitary confinement means the slow destruction of the human body. Your personality is slowly destroyed.

Medicines are very poor and very few. In the camp where I was, there was one doctor who was not well qualified, one male nurse and one female nurse, whose objective was to see that people went to work.

I have spent two periods in exile. In 1965 and 1966, I was exiled to a small village and worked on a collective farm. You have no right to leave your place of exile and have to register and report to the militia once a month. The conditions of exile vary; they can be tolerable, or so bad that it is worse than being in camp.

All former political prisoners face restrictions. In most cases when you come out of prison or camp you are not allowed to return to where you used to live, or to your family. You are sent to a place where it is difficult to find accommodation, and very difficult to find work of the kind for which you are qualified. Usually, former prisoners are placed under administrative surveillance, entailing a curfew, a ban on public places, house-searches by the militia at any moment.

Psychiatric Abuse Lyudmila Alexeyeva

The day before Orlov was arrested, I was interrogated by the KGB. They had taken a number of reports which the group had published from my flat. They were particularly interested in the documents relating to psychiatric abuse and to prison conditions. They wanted to know how these documents had been compiled and what part I had played in preparing them. I told them that I had signed the documents, but I refused to answer any other questions.

They asked me about two documents relating to psychiatric abuse, which we issued at the beginning of October 1976, one of them being an appeal to the Supreme Soviet and the American Congress to establish a joint commission to investigate allegations of abuse in psychiatric hospitals in the USA and the Soviet Union.

This appeal had been prompted by an article in *Literaturnaya Gazeta* alleging that people in the United States had been placed in mental asylums for criticising White House policy. We said that we were prepared to present the information which we had in our possession about abuses in the Soviet Union to the Joint Commission.

In making this statement we had in mind the cases of Leonid Plyushch, Victor Fainberg, Natalya Gorbanevskaya, General Grigorenko, Esenin-Volpin, Krasivsky and Plakhotniuk. General Grigorenko was a member of the group and the others were all known personally to members of the group.

Dr Marina Voikhanskaya

I trained as a doctor at Leningrad and qualified in 1960. I took up psychiatry because I think mentally disturbed people are the most unhappy and the most melancholy in Russia and I wanted to help them.

For the first ten years I really enjoyed my practice and I loved my work. Of course I didn't like many, many things in my hospital. I didn't like the conditions in which my patients were kept. I didn't like the doors always being locked. The food was poor and the diet very limited. Relatives were able to bring food with them when they visited, but the patients who had no visitors simply went hungry.

There were other things I didn't like. The strong patients beat the weak ones. Sometimes the nurses stole from the patients. Sometimes the nurses beat the patients. Sometimes alcoholics beat other patients. Once we wanted to bring a court case because some of the nurses beat a boy so badly that they damaged his liver, but we couldn't do it because the only witnesses were mentally ill people. I didn't like the fact that the patients only had a bath once in ten days, and that only once in ten days were they able to have clean clothes.

For the first ten years I really didn't know about the abuse of psychiatry in the Soviet Union. The first serious abuse that came to my notice was at the end of 1973. Ivanov, an artist and a completely sane man, was in my hospital and had been there for six months in another department before I found out about him.

The head of that department was a friend of mine. When I asked her about Ivanov, her whole manner changed. She became very angry and told me not to concern myself about him and refused to show me his file. But I could visit Ivanov because doctors are allowed to visit all patients in the hospital. I visited him every day for five months. Poor man—he was very gentle but was in a ward with dangerous patients. He didn't have any toothpaste or soap, books or pen and pencils, or paper. He was completely normal and he did not need to be in a psychiatric hospital at all.

When I started visiting Ivanov the attitude of the other doctors towards me changed. They pretended not to notice me. They wouldn't talk to me. The head of Ivanov's department said to me: 'He is sane but don't tell anybody about it.'

I was very angry that there was a sane man in my hospital. I tried to speak to the other doctors about it, but they thought I was crazy and urged me not to make a fuss: 'Sometimes it happens, but it doesn't matter.' After a few months I started being watched by the KGB and Ivanov was transferred to another hospital.

Then there was the case of an engineer called Kamerov. He was transferred to my department from another ward. He had been treated with high doses of a very strong drug haloperidol, which we only use for mentally ill people. When I first examined him I didn't know whether he was mentally ill or sane, but I thought something was wrong. His records showed that he was suffering from schizophrenia.

When I first saw him he didn't know me and didn't want to talk to me. It was very difficult to know what to do, but I decided to stop the drugs. So I did, and two days later, when their effects had worn off, he was completely normal, and we became friends. He is completely sane, but he is still in a psychiatric hospital.

There were other cases in my hospital of completely sane people being treated with drugs.

Haloperidol is a very useful drug when it is properly applied and it can help people who are mentally ill. It has unpleasant side-effects and it has to be administered with correctives to counteract them. There is, however, no justification for giving it to people who are sane, and if it is given without the correctives, it is a form of torture, for it induces appalling reactions. This happens in the Soviet Union. It happened in my hospital.

Another drug which was used in my hospital was sulphazine. It isn't really a medicine at all. Injections of sulphazine were given as a punishment. It is only supposed to be given on the directions of a doctor. Some doctors prescribe it because they are very badly trained and think it is a useful drug. Others give it because they know what the KGB expect of them.

For the last seven or eight years, whenever there is a public holiday, or when the head of a foreign state visits Moscow, all the sane people who have been in psychiatric hospitals are rounded up and kept in hospital over the holiday so that they cannot cause any disturbance. The hospitals become overcrowded with too few beds, people lie on the floor in the corridors.

When I started to complain about the abuses I had discovered in my hospital I was transferred to the geriatric department. I was not allowed to continue the work I wanted to do.

Leonid Plyushch

In January 1972 I was arrested and accused of anti-Soviet propaganda. In January 1973 I was tried in absentia, behind closed doors, at which neither my relatives nor the medical expert representing them, were present. (This in itself was illegal.)

From July 1973 to January 1976, I was in the Dnepropetrovsk special psychiatric hospital. It was hell. I subsequently found out that I was supposed to have been suffering from sluggish schizophrenia from an early age.

On the first day I was taken to the quarantine ward, where we were given underclothes that were torn. There were more patients than beds. I was put as the third person on two bunks that had been pushed together. The next morning I

woke up and saw two orderlies beating up my neighbour, simply because he wanted to go to the lavatory. All the orderlies are criminals serving out their sentences.

Much of my time I spent in Department 9, which is the worst in Dnepropetrovsk. I was put in a supervised ward with the violent cases.

Other political prisoners warned me that one shouldn't complain. They said if you did you were given intensified treatment with neuroleptics and injections of sulphazine.

When we were allowed to go to the lavatory we went in groups and it was awful. People were fighting for a place and searching for cigarette stubs among the used lavatory paper. Some of the patients ate their excrement or masturbated. I don't want to blacken the picture, so let me add that this did not happen every day.

Sulphazine was never given as a genuine treatment but only as a punishment. It was usually given by injections in the thigh or the shoulder-blade, which is worse. When sulphazine is administered the patient's temperature becomes very high and after a course of injections of this sort the person is not able to sit, stand, or walk. I myself saw a patient who was practically dying from the effects of this treatment.

I was never given sulphazine myself. I was, however, given neuroleptics—both haloperidol and triftazin. I was also given two courses of insulin, over three-month periods.

The first course of insulin was given to me for shock purposes and it was administered in very large doses. I was told this by one of the nurses. I remember that I was tied down to the bed and my muscles were bulging. The second time I was given much smaller doses and they did not tie me down.

When I first went to Dnepropetrovsk I was given haloperidol in large doses without correctives to reduce the side-effects. For me this was absolute torture. I writhed and couldn't sit down. I couldn't sit still, then when they took me back to the ward I continued to writhe in pain. The physical effects of the drug make your tongue loll out and your eyes bulge. I simply couldn't do anything, there was no way I could get any relief. I just kept asking for correctives.

I think they gave me haloperidol because they wanted to frighten me and to break my will. I was in constant fear of becoming insane. I couldn't talk, my intellectual capacities decreased drastically. The doctors said that I didn't want to talk and that I was just hiding my anti-Soviet feeling, although this was not the case at all. I felt that I was becoming like an idiot who couldn't think, who couldn't do anything. I was terrified. I lost my memory, I lost my power of thought.

In the beginning, I wrote letters, but as the drugs began to take hold of me I found it more and more difficult to write until I got to the point when I stopped writing altogether. I couldn't see properly, when I tried to read the letters seemed to be floating around. When my wife visited me, I couldn't see her properly.

There were periods when I was not given any drugs. This happened when a rash broke out on

my face and they didn't give me anything while that condition lasted. I felt my willpower returning to me and my mind improved a lot. Then I was put back on the drugs again and everything was as before.

There were about 60 political prisoners in Dnepropetrovsk.

I was not given any warning I was going to be released. The morning in January 1976 on which I was set free I was given drugs as usual. Later on, the senior doctor in the hospital told me that I had become well during my stay and that I would be going where my wife wanted to take me.

Even today I still feel the effects of the treatment I was given in Dnepropetrovsk. From the emotional point of view I can say that I'm not the same person I was before going into psychiatric hospital.

Struggle to emigrate Emilia Ilina

On the 9th day of my hunger strike Vladimir Slepak and Polishchuk came to Leningrad from Moscow on behalf of the group to visit me.

At eight o'clock that day I sent a telegram to President Podgorny saying I was on hunger strike because I had not been granted a visa. I sent a copy to Orlov. This had considerable effect. Two days later I was rung up by Inspector Pilin of the Visa Department, who was very polite. She told me that they had received an invitation for me to go to Israel.

When I went to the Visa Department they showed me the invitation. It was on a clean sheet of paper. It said the Literary Union of Israel request that a visa for the well-known Soviet writer Emilia Ilina should be granted quickly. I am not a writer. I have only ever written one or two stories for my own amusement. These have never been published, although manuscripts which I lent to a friend were confiscated by the KGB when my friend's house was searched.

I explained that I had no relatives in Israel. I said that I wished to go to Canada. I made it clear that I was not going to produce an invitation to go to Israel and that I was not prepared to pay to renounce my Soviet citizenship.

As the authorities were not prepared to let me emigrate to Canada, I decided to continue my hunger strike.

After 22 days I was very weak and my daughter was ill. Members of the group in Moscow asked me to stop my strike. I took their advice and applied to emigrate to Israel. I did not, however, produce any invitation from people in Israel. This time my application was granted.

The Visa Department told me that I should have to pay to renounce my citizenship. I said that as they had provided me with a fictitious invitation to go to Israel perhaps they could provide me with fictitious money to pay the heavy fine for the renunciation of my citizenship.

A few days later I was informed that the Finance Department had decided that it would not be necessary for me to pay the fine.

I left the Soviet Union in April, 1977.

Religious persecution

Lidia Voronina

In the summer of 1976 a deputation of Pentecostals came to Moscow to ask the group to help their communities emigrate from the Soviet Union. The deputation was led by Nikol Sedenko and Vasily Patrushev, who came from the town of Nakhodka on the Pacific Coast and the village of Starotitovskaya in Krasnodar region. I met members of the delegation.

The delegation asked Yuri Orlov whether it would be possible for a representative of the Group to visit their communities. On 2 December 1976, the group held a press conference in Moscow at which the members of the delegation presented the dossier, and Orlov announced that I would be visiting the communities.

I was away from Moscow for about three weeks. All the time I was kept under very close surveillance by the KGB. On the way to the airport I was followed by two cars with eight people in them. When we arrived at Krasnodar we were met by about 30 people, all in civilian clothes, who took over the surveillance.

Starotitovskaya is a very remote village. When I arrived I was met by Nikolai Petrovich Goritoy, who is the spiritual leader and ex-pastor of the community. My work consisted of listening to what people had to say. Many, many people came and told of years of oppression by the authorities.

I visited people in their homes and attended Church meetings. While I was there several people were summoned by the KGB and told not to try emigrate and not to have any contact with dissidents.

During my short stay I was able to see for myself how they were persecuted, and how life was made difficult for them by the authorities.

The community numbers about 100 people. They find it difficult to find jobs for which they are qualified. Their children are mocked at school and beaten up, and the teachers do nothing to stop this.

Most of the Pentecostals have large families, but even mothers who have ten or twelve children do not get the benefits to which they are entitled.

I also observed for myself the way in which the Pentecostals are ostracised by other people living in the village. The whole time that I was in the village the building where I was, was surrounded by police cars and motorcycles.

When I left the village I had to return to Moscow before I could fly to Khabarovsk. From there I went to Nakhodka by road. Again I was followed by the police. Again most members of the community came to talk to me and ask me for my help and advice.

All the documents, including names, addresses and data relating to court hearings, surveillance and other illegal actions of the authorities, were confiscated during the search of Ginzburg's flat.

Yevgeniy Bresenden

I am 36 years old. I was born in Barnaul in Siberia. My father died during the Second World War. My mother was a Pentecostalist. In 1949, she was arrested, charged with being an American spy and sentenced to 10 years' imprisonment. Our home was confiscated. Almost all other churchgoers in Barnaul received similar treatment. When my mother was released after six years our home was returned to us.

During the time that my mother was in prison I was at a State orphanage. My grandmother had wanted to look after me, but this was not permitted by the authorities. At the first orphanage I stayed in, I would pray and sing religious songs with the other religious children. As a result, we were separated and I was bullied and mocked by other children at the orphanage.

I went to live in Nakhodka, which is near Vladivostok, and worked there as a cabinet maker. I became known as a Christian and was dismissed from a succession of jobs. On several occasions I was beaten up by gangs of youths known to be recruited by the Militia. The Militia always denied this.

In November 1962, I was arrested. The official reason was that I had refused to perform military service despite an official medical report exempting me from military service on grounds of health.

I came out of a prison camp after a three-year sentence. I then worked as an electrician, which gave me an opportunity to travel. I was very active in the Pentecostalist Church and acted as a courier between Pentecostalist Churches in Siberia, the Far East and the Ukraine. On several occasions I visited Moscow. As a result, I became acquainted with Yuri Orlov.

In 1974, I applied for permission to emigrate after the authorities had informed me unofficially that it had been decided to take my three children away from me. I did not want them to go through what I had been through. They were then aged three years, two years, and seven months. I was summoned to appear before a committee of the Nakhodka Regional Council and said that I did intend instructing my children in religious education. Rastigaev, the deputy chairman of the committee then informed me officially that my children would be taken away from me. The next time I was in Moscow I protested through the foreign correspondents and the decision to remove my children was not acted upon, although it was never formally withdrawn. At another meeting with the Council I was told by Rastigaev that I had been officially diagnosed as insane. I also lost my job in September 1974. For three months I was unemployed and then found only menial work. Eventually I was allowed to emigrate in September 1975.

Religious repression takes many forms. Christian children are mocked at school, beaten up, forced against their will and that of their parents to join the Pioneer Youth Organisation, given deliberately

low marks, refused references upon leaving school, or given poor ones. Students are expelled from university if they are found to hold religious beliefs. Adults lose their jobs or are deprived of State benefits. They do not get proper hospital treatment. I know of a number of pregnant women who have left hospital before giving birth because they are receiving no proper treatment. Christians are fined for holding prayer meetings. They are allowed to emigrate only after great difficulty and at considerable personal risk of the consequences of applying for permission to emigrate. All of this is so commonplace as to be taken for granted in Soviet society.

Searches and arrests Lyudmila Alexeyeva

From November 1976 onwards Orlov, Ginzburg, myself and other members of the group were kept under constant surveillance by the KGB. Cars were parked outside our homes, we were followed wherever we went. We suspected that telephones were tapped and that our homes were bugged. This was unpleasant, but it did not affect the work which we were doing because we had nothing to hide.

On 4 January 1977 there was an official search of our flats.

My husband and I were expecting a friend to visit us that morning. At 8.30 there was a knock on the door and I opened it thinking it was our friend. He was there, but eight people burst into the flat with him.

We had a small flat with two rooms and a kitchen. One of the men produced a search warrant and told me that if I had any anti-Soviet literature I should give it to him straight away. From the start it seemed as if they knew where everything in the flat was. They went straight to those places where I kept my papers. They didn't touch any of my husband's papers, but confiscated most of mine.

At 7 pm they finished the search and asked me to sign the warrant to show that they had conducted the house search. I refused and they left the warrant on the table.

When they left I went out to a phone box and rang up the Associated Press correspondent to tell him what had happened. He said that Orlov's flat was still being searched and that an hour previously Tass had announced through their foreign language broadcasts that the house searches had shown that Orlov, Ginzburg and I were members of a Russian émigré organisation.

The search of Orlov's flat did not end until 10 pm and that of Ginzburg's flat until 3 o'clock the next morning.

We held a press conference the next day.

The search of Orlov's flat was similar to the search of my flat, except that they broke the door down because he refused to open it. In Ginzburg's flat the KGB planted 1,000 German marks and 100 US dollars in a cupboard.

Ginzburg was arrested on 5 February. The previous day Orlov had left Moscow for a few days' rest in a tiny village not far from Moscow, where he had once lived.

When Orlov heard that Ginzburg had been arrested, he decided to return to Moscow to make a statement. He did not wish to be arrested at once, and as he knew that I had been given permission to leave the USSR and therefore thought that my flat might no longer be watched, he came to my flat instead of going home. No one saw him arrive. I was not there because I was being interrogated by the KGB.

When I returned home I opened the door and saw Orlov. He put his finger to his lips and we did not speak because we knew that the flat was bugged. We started writing notes to each other.

Orlov wrote that he would like to make a statement to foreign correspondents, so I left the flat and rang up some foreign journalists and told them to come to my flat without telling them why. At 5 o'clock three correspondents arrived. Orlov made a very short statement. During this conference my telephone was disconnected.

I was worried. I told Orlov not to leave with the correspondents. I left with them. When I opened the door I saw that KGB officers were waiting. They had rushed there as soon as they heard Orlov's voice. I went back and told Orlov he could not leave as the house was surrounded. He decided he would stay there and that we would not talk to each other. We would act as if he was not there. He started making plans for helping me in the house, as we thought that he was likely to be there for a few days.

At 5 o'clock in the morning I sent my son outside. When he returned he told us that there were KGB agents outside the door.

In the morning I took some rubbish out. There were two more agents standing there. It was clear that our plan had not worked.

At about 10 o'clock there was a knock on the door. We thought it was Orlov's wife. We asked who was there. The answer came: 'The procurators.' I went back, told Orlov, and asked him whether I ought to open the door. He was not in his own home and he said they should be let in. He put on his jacket.

I opened the door. The minute I did so my tiny entrance hall filled with officers from the Militia. One was a civilian. One of the men in uniform had been in the group which searched my home. The procurator's office was therefore just a cover. There were about eight or ten in the entrance hall. The uniforms were brand new. They were all probably KGB officers in new uniforms. I asked whether this was another search. They said no. I asked why they had come then. They answered that different people had come to my flat. Special people. People who think alike.

The one in civilian clothing started opening cupboards in my room. I asked for his search warrant. I invited them in but did not take them into the room where Orlov was. One of them however opened the door and found Orlov. An

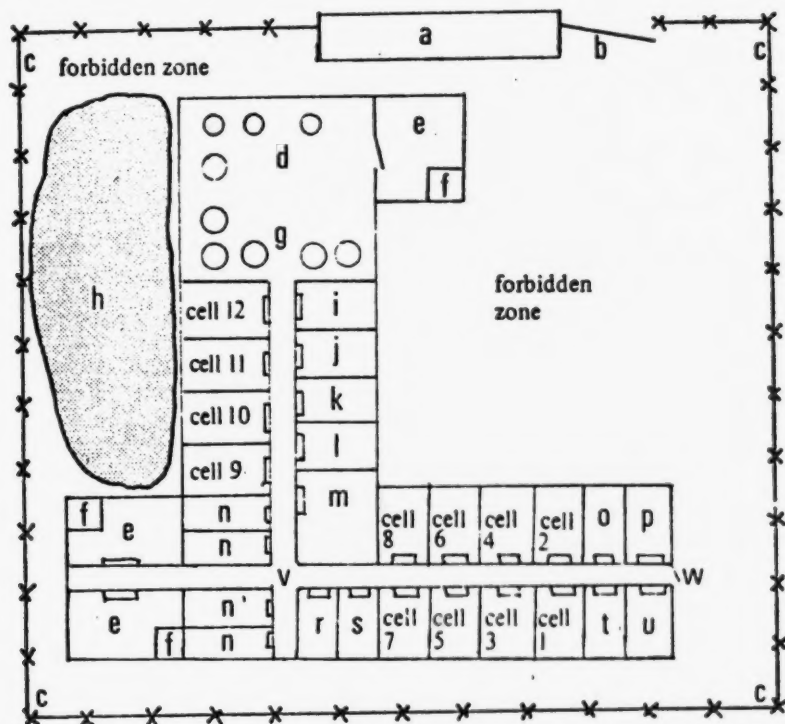
officer said: 'What is he doing here while your husband is not at home?' They asked for Orlov's documents. He showed them his passport. They did not say whether they were arresting him or taking him for interrogation. Orlov did not ask for their warrant as he probably did not think it right as he was in someone else's home. He wanted to be as non-violent as possible. There-

fore he put on his coat and left. Orlov is a very small man. All the KGB officers were very tall. They surrounded him. I waved over their heads. Then he was taken away. That was the last time I saw him. □

Index on Censorship, v. 6, No. 6, Nov.-Dec., 1977.

READING 79

Prisoners of Conscience in the U.S.S.R. (extracts)



Ground plan of zone number 1 (special regime) in corrective labour complex ZhKh 385 in Mordovia

Key

- a Guard-house
- b Gates
- c Fence
- d Work area, 14m x 12m x 3.2m
- e Exercise yards
- f Latrines
- g Grinding machines
- h Permanent pool of stagnant water and industrial waste
- i Censor
- j Camp head
- k KGB office
- l Head of prisoner supervision
- m Medical department
- n Punishment cells

- o Store, stall, barber, library
- p Warders' room
- r Baths
- s Hand basins
- t Hospital punishment cell
- u Washing-up room
- v Corridors
- w Entrance

This general plan of special regime colony ZhKh 385-1 was originally sketched by a prisoner in 1974.
(Not to scale)

Raisa Palatnik, a Jewish librarian sentenced in 1971 to 2 years' imprisonment for "anti-Soviet slander", has described as follows the daily diet in an ordinary regime colony in Dnepropetrovsk region in the Ukraine:

They fed us three times a day. In the morning, a thin soup of gruel, rotten fish and tea with three-quarters of an ounce [20 grams] of sugar. In the evening, the same, only without sugar. The main meal at lunchtime was cabbage soup made from water and bones. The second course at lunch was oatmeal or sometimes a small potato with vegetables. A little more than a pound of bread [500 grams] was distributed daily.

Anatoly Marchenko has described the typical strict regime diet on the basis of his experiences of imprisonment in the 1960s:

Breakfast: 2 cupfuls of watery gruel
Lunch: 2 cupfuls of soup made with rotten cabbage and 2 ladles of thin gruel
Supper: 2 ladles of the same gruel, together with a piece of boiled cod the size of a matchbox.

Ex-political prisoner Yury Gendler has described as follows the strict regime diet in Mordovian colony ZhKh 385/19 in 1973:

Breakfast: (served in half-hour shifts from 7.00 to 8.30 am) soup with potatoes and barley bread
Lunch: (served from 12.00 noon to 1.00 pm) cabbage soup, gruel with either pearl-barley, oatmeal, or millet; bread
Supper: (served from 5.00 to 7.00 pm in shifts) gruel; fish or fish-cakes; bread.

A legal — though very limited — way of supplementing one's diet is through food parcels. Depending on their regime of sentence, prisoners who have served one half of their sentence may each year receive as many as three parcels each weighing up to five kilograms. The range of permitted foodstuffs is very narrow: dry goods such as biscuits are allowed, but bouillon cubes are forbidden because of their meat content, and chocolate is banned because, in the words of one camp official, "it leads to excitement". Visitors may bring certain very restricted items into the colony for their relatives. However, this small concession is tightly supervised. Like some other prisoners' rights, the receipt of these parcels is in practice treated as a privilege, and the right to receive them is often cancelled as a punishment.

Thus, not only the law itself but governmental decrees and the policy of colony and prison administrations ensure that prisoners remain hungry as a basic condition of their imprisonment. Though not acknowledged formally, the punitive intention of this policy has been affirmed orally many times by officials. For example when the Ukrainian prisoner Valentyn Moroz complained to the deputy procurator of the Mordovian camp administration that prisoners seriously ill with stomach ulcers were being kept on a starvation diet, the official replied: "That's just what the punishment consists of — hitting the stomach."

Anatoly Marchenko has summarized the results of this policy:

Thus the camp administration wields a powerful means of exerting physical pressure on political prisoners — a whole system of escalation of hunger. The application of this system results in emaciation and avitaminosis [a disease caused by lack of vitamins]. Some prisoners are driven by the permanent malnutrition to kill and eat crows and, if they are lucky, dogs. In the autumn of 1967 one prisoner from camp 11 in Mordovia found a way of getting potatoes while in the hospital section. He over-ate and died — the potatoes were raw.

Obviously such lengthy deprivation can, and in many cases does, have serious consequences for prisoners' health. The combination of low-grade, badly cooked, hastily eaten food with heavy labour in unhealthy conditions and a harsh climate causes some prisoners to emerge as chronic invalids. Most inmates suffer from stomach ulcers and other gastric complaints after two or three years. Colony

and prison medical facilities are inadequate to cope with the health problems of prisoners subjected for long periods to these detrimental conditions.

By law each colony must have a first aid post or larger medical unit (*med-punkt* or *sanchast* in Russian), including a doctor's surgery, a dispensary and a laboratory. One colony in each district may have a full-scale hospital: in the Mordovian complex for example, this is attached to colony 3 at Barashevo.

According to the *Commentary to the Fundamentals of Corrective Labour Legislation of the USSR and Union Republics*, "all the achievements of medical science" are utilized in corrective labour institutions. Yet standards of medical care have been a very common cause for complaint by prisoners. The staffing of medical facilities in the colony and prison system is deficient.

Raisa Palatnik worked in a sewing-room with 200 women prisoners. The work involved sewing gloves, overalls, underwear, jackets and quilt covers. In 1968, the norm for jackets had been 100; in 1972 it was 145 — using the same 10-year-old equipment. There was no ventilation, first aid equipment or disinfectant. If an accident occurred, the victim had to walk back to the living zone for treatment.

Industrial injuries are common. For example, Father Pavel Adelheim, a priest arrested in June 1970 and sentenced to 3 years' hard labour, had to have a leg amputated as a result of a work injury sustained in a colony.

Representative of prisoners' accounts of colony labour conditions is the following extract from a letter sent out by a group of prisoners in Mordovian colony 19 in 1972:

[In the machine-tool] shop the most dangerous part of the process is the removal of the finished piece and the installation of a new one. There is no provision for switching off the press during this technical operation, which is a serious infringement of technical safety completely inadmissible in an outside environment. The rotating reamer may easily injure the prisoner's hand: such injuries are fairly common. In addition, sharp, hot chips fly out from under the reamer. To work in gloves is forbidden in case the glove — and with it one's hand — becomes caught and pulled into the reamer. As well, there are splashes of emulsion which burn the skin, fumes, and horrible noise, not only from one's own press but also from the entire workshop. Shimon Levit has small cuts all over his hands . . . No one is able to fulfil the work quotas, which are tremendously high; failure to fulfil means punishment . . . The loading work is even worse. We all fear assignment to this particular job, which consists basically of loading and unloading railway wagons. The work is very difficult and dangerous, and one may be awakened [for work] at any time of the day or night without advance warning. Even on Sundays, one works.

According to law, prisoners are to be paid for their labour at the rates established for all Soviet workers. However, most of their earnings disappear into automatic deductions for their upkeep. The prisoner is guaranteed receipt of only 10% of his earnings. Most of this sum goes automatically into the prisoner's account, where it is kept to cover any future fine, penalty for damage and such-like.

Prisoners are not allowed to be in possession of cash. However, as was described above, they are allowed to spend in coupons a set amount from their earnings on "food and basic necessities" and on books retailed by the government.

At any time prisoners can legally be subjected to a body search or to search of their possessions. The list of personal possessions allowed to prisoners is set by administrative regulation and is quite meagre. Prisoners are not allowed to have money or valuables in their possession. Possession of radio or television sets is always prohibited. Prisoners may possess books, although Instruction 020 has restricted the number of allowed books to five. Bibles and religious literature are banned, as are playing cards or any form of gambling game. Prisoners are not allowed to possess artists' materials such as paints, coloured crayons and brushes.

Certain other routine regulations seem to contradict the legal requirement that punishment does not aim at "degrading human dignity". The following regulation established in all corrective labour institutions after the issuing of Instruction 020 conflicts with reasonable standards of civility:

When meeting a member of the camp personnel or other persons visiting the camp in an official capacity the convict must greet them by standing up and, in the warm seasons of the year, taking off his cap. The convict must use the polite form of address to the camp personnel and call them "citizen" or "citiziness", followed by their rank and official position.

Instruction 020 also restored the former practice whereby prisoners are required to wear a patch bearing their family name and their prison serial number on their clothing. Particularly disturbing are recent reports (emanating from colonies both in Mordovia and in Perm) that prisoners are as a matter of routine shorn bald.

Discipline and Punishments

It is in the context of this routine disrespect for prisoners' persons that the administrations' right to impose punishments must be understood. Some of the most common pretexts for application of punishments are:

- lodging complaints which are regarded as dangerous
- absence from work for whatever reason
- failure to fulfil norms
- refusal to doff cap to prison or camp officer
- injury or self-mutilation for whatever reason
- singing, knocking messages on cell wall, making noise
- possessing "unauthorized" items
- lateness for roll-call, meal, work
- hunger striking
- wearing unauthorized clothing for work
- refusal to attend political classes
- playing cards
- making political remarks
- signing protests and appeals to Western organizations

Shukhov went to sleep, and he was very happy. He'd had a lot of luck today. They hadn't put him in the cooler. The gang hadn't been chased out to work in the Socialist Community Development. He'd finagled an extra bowl of mush at noon. The boss had gotten them good rates for their work. He'd felt good making that wall. They hadn't found that piece of steel in the frisk. Caesar had paid him off in the evening. He'd bought some tobacco. And he'd gotten over that sickness.

Nothing had spoiled the day and it had been almost happy.

There were three thousand six hundred and fifty-three days like this in his sentence, from reveille to lights out.

The three extra ones were because of the leap years.

These were the thoughts of "Ivan Denisovich Shukhov" at the end of a day in a labour camp near the end of the Stalin era. They reflect the only honest means of survival which Alexander Solzhenitsyn could conceive for those who were faced with long years of imprisonment in a labour colony as he had been. Ivan Denisovich tried only to satisfy his elementary needs without stopping anyone else from doing so and never complained to officials or took chances which might make things worse.

There were and are other means of survival. Religious prisoners "escaped" from the brutality of prison life through prayers and faith. Many still do, and it has been remarked many times over the years that some of the hardest and most upstanding inmates of Soviet prisons and colonies are devout religious believers.

Other prisoners find survival in debasement. Many prisoners seek favours from guards and administrators by spying on and informing on other prisoners.

Colony and prison administrations show great flexibility in deciding what constitutes grounds for punishment. Such actions as wearing carpet slippers, rising from bed "three minutes late" and brewing tea concentrate have served as pretexts for formal punishment.

Article 34 of the Fundamentals of Corrective Labour Legislation gives a comprehensive list of officially approved penalties:

- warning or reprimand
- extra duty for cleaning the premises and the territory of the place of confinement
- deprivation of one visit to the cinema or a concert, and of participation in athletic games
- deprivation of an ordinary visit
- deprivation of the right to receive a regular parcel delivered by mail or in person, and of the right to buy foodstuffs for up to one month.
- cancellation of the improved conditions envisaged in Articles 23, 24 and 25 of the present Fundamentals
- placing up to 15 days in a punishment cell (PKT) of convicted persons in prisons without permission to attend work or study
- placing up to 15 days in a penal isolation block (SHIZO) with or without permission to attend work or study
- placing up to 6 months in cell-type premises of persons in ordinary, intensified or strict regime corrective labour colonies; up to one year in isolation cells in colonies with a special regime; and, in prisons, transfer to a strict regime for the period prescribed in Article 15 [2 to 6 months]; transfer of persons from the ordinary living quarters of a special regime colony into cell-type premises in the same colony.

The importance of a mere attempt at communication with life outside the prison system was described by Edward Kuznetsov in relation to his *Prison Diaries*:

I write only to stay human. This is a diabolical place, its purpose — to drive a man deeper and deeper into despair, to make him doubt whether truth after all is sacrosanct . . . A diary is for me a way of consciously opposing an impossible way of life. The very act of writing down the features of prison camp existence, as it were, objectifies them, allows me to stand back and every so often stick my tongue out at them!

Mr Kuznetsov, who is still serving his 15-year special regime sentence, by now knows that his *Prison Diaries* have circulated in *samizdat* within the USSR and in book form outside the country.

For political prisoners like Mr Kuznetsov, articulation of convictions and experiences represents a means of surviving prison conditions without submitting to them. Imprisonment strengthens the politically dissident convictions of prisoners of conscience. Ukrainians, Jews, Balts, etc, imprisoned for protesting against nationalist discrimination, find greater discrimination in prison. Persons imprisoned for opposition to the influence of security organs in Soviet life find themselves at the disposal of MVD and KGB officers. Those convicted for demanding more exact adherence to legal and constitutional norms find greater illegality and arbitrariness inside penal institutions than outside.

Consequently many political prisoners continue their dissident activities during imprisonment. Many political prisoners exhaustively test all legal channels of protest against prison conditions. In this they probably do not differ from the majority of the prison population. However, they do not desist when such institutional approaches prove fruitless.

Especially in recent years, Soviet political prisoners have succeeded in communicating to the outside world much information about conditions in penal institutions and about their own activities. Despite the body searches of most visitors and of prisoners being released, there is a regular flow of written appeals, complaints, memoirs and oral information from the Perm and Mordovian colonies in particular. Many such documents circulate in *samizdat* in Moscow and elsewhere and figure in appeals and statements made available to non-Soviet press representatives in Moscow.

Prisoners of Conscience in the U.S.S.R.: Their Treatment and Condition. London: Amnesty International, 1975, pp. 55, 62-63, 76-77, 83-84, 87, 95, 97.

READING 80

HOUSING

In the USSR. As a result of the economic backwardness of tsarist Russia and the poverty and political powerlessness of the popular masses, the housing of the working people was of especially poor quality. In St. Petersburg in 1913 more than 50 percent of the worker families did not even have a separate room for the entire family, while the weavers of Ivanovo, the miners of the Donbas, the petroleum workers of Baku, and others lived in basements, shanties, and semidugouts. After the October Socialist Revolution large-scale private building ownership was abolished, and a mass resettlement of workers (in Moscow and Petrograd alone more than 1 million persons) to comfortable apartments was carried out. This was done by moving bourgeois families into smaller quarters

At different stages in its existence the Soviet state has defined the nature of housing construction through a series of party and government decrees. In the mid-1920's economical four- and five-story clustered-apartment buildings appeared. By 1925 the design of the first standard section for multistory housing construction in Moscow had been created. The demands of the economy and the acute need for housing determined the type of apartment: predominantly two separate rooms with a total area of 40-45 sq m with modest indoor plumbing (for example, sometimes there was no bath); provision was made for a larger for food, built-in closets for storage, basements for household needs, and self-service laundry rooms

Housing quality in the USSR is determined by state norms. The country is broken down into zones that take local climatic conditions into account. Thus, in hot climates provision is made for construction of buildings with cross ventilation, increased ceiling height, and balconies and spacious terraces that improve the apartment's microclimate. Modern residential buildings are electrified, and in the cities many of them have gas hookups and centralized hot water (or a water heater). Buildings with more than five floors must be equipped with elevators. Each city or settlement apartment includes a living room and one or several bedrooms and a foyer, kitchen, and bathroom

Great Soviet Encyclopedia. New York: Macmillan, v. 9.

READING 81

Humor from "Radio Yerevan"

Two friends meet in a Moscow bistro. "Ivan, you should hurry. They are distributing potatoes." "Where?" "In Minsk." "How can I get some?" "Easy. Take the train to Smolensk." "Why Smolensk?" "Because that's where the queue ends."

* * *

The housing shortage has prevailed for sixty years. Two writers meet. "I've just written a new book," says the first. "Good, about what?" "A young man meets a young woman." "Ah! A novel!" "They're in love." "Ah! A love story." "They marry and find an apartment." "Oh! A fairy tale!"

* * *

A R.Y. listener asks: What is 'Friendship Between Peoples' in the U.S.S.R.? R.Y. answers: 'Friendship Between Peoples' is when the Armenians, the Geor-

gians, the Russians, the Ukrainians, the Azerbaijanis, the Uzbeks and the Lithuanians all get together to beat up the Jews.

Note: Yerevan is the capital of the Soviet republic of Georgia, whose inhabitants are known for their quick wit and acerbic humor.

The Bridge, Fall, 1979.

READING 82

Woman Question

The conditions for a genuine solution of the woman question were established for the first time in history in the Soviet state, which was created as a result of the Great October Socialist Revolution. In the first months of its existence the Soviet government repealed all laws confirming the inequality of women

Through a series of acts adopted in 1917-18, Soviet power gave women complete equality with men in labor rights, civil rights, family and marital rights, and education. The government also adopted measures concerning female labor and maternity and child care, and it established the principle of equal pay for equal labor.

With the establishment of socialist production relations, the industrialization of the country, the collectivization of agriculture, and the cultural revolution, the de facto equality of women with men has been essentially achieved in Soviet society

Great Soviet Encyclopedia. New York: Macmillan, v. 9, p. 530.

READING 83

How Liberated Are Soviet Women?

Reinhard Meier

As elsewhere in the world, "International Women's Year" proclaimed by the UN was celebrated in the U.S.S.R. by a massive public relations effort. Almost daily longwinded articles appeared in the press on the role of women and their achievements under socialism. Only socialism makes it possible for women to play an active and decisive role in the economic and social structure of Soviet life, said the former cosmonaut, Valentina Tereshkova, who since the death of E. Furtseva has become the leading spokeswoman of the establishment.

Impressive statistics are cited to support this claim—90 per cent of all women of working age are employed or pursuing their studies. Soviet women

make up 51 per cent of all employees in industry and service functions, 49 per cent of all collective farmers, and 50 per cent of all students. Some 70 per cent of all doctors and teachers are women. A third of all seats in the Upper Soviet, or parliament, are occupied by women. For millions of women "under the capitalist yoke," says Mrs. Tereshkova, the Soviet Union offers a convincing argument for socialism and a "steady beacon of inspiration."

The official Soviet position on women's questions consists exclusively of such simplistic slogans. But even Moscow must perceive that the reality is much more complex and that the true problems of Soviet women will not be solved by a propaganda barrage. And in fact, beneath the surface these problems have been seriously and critically discussed for some years. This dialogue has taken place in the more intellectual weekly and monthly magazines and deals chiefly with the tensions arising from the conflict between family and job. It is a problem, common to every modern industrial society, which is particularly acute in the Soviet Union.

While Communism may have made woman legally equal to man and assimilated her into the production system it has in no way freed her of the burdens of homemaking and motherhood. She is virtually debarred from opting for a fulltime domestic role, for the cost of living exceeds the average worker's earnings. Since a man alone cannot support his family women are forced to contribute to the household budget, a situation that not all see as a blessing.

According to a sociological "Report on the Soviet Family" recently published by the monthly *Nash Sovremennik*, 53.5 per cent of all women polled in Lenin-

grad saw their jobs as an income supplement for the family. "The women have no free time," the report found. "They are unable to cope with the household and cannot properly care for the children. There is only one conclusion: We have to develop a division of duties to resolve problems within the family. Women are unduly burdened by the effects of this social injustice."

Sociologists and demographers agree that the double burdens borne by women, plus cramped living conditions, contribute significantly to reduced birth-rates in urban areas. Government planners are increasingly worried by the trend toward one-child families. Abortions, which since 1955 have been legal up until the third month of pregnancy, are the most widespread family planning method. There is a great demand for Western contraceptives, either because Soviet products are inferior or, as in the case of "The Pill," are unavailable, allegedly on medical grounds.

Compared with other countries, Soviet women are well represented in medicine, engineering, and teaching. But their role at the management level, except in education, is infinitesimal in relation to their numerical presence. Similarly, in industry, although half the employees are women less than 9 per cent are in management positions, according to official statistics. This is comparable to the ratio elsewhere in the world but it indicates that true equality of the sexes has not been attained.

This is not to deny that there have been enormous gains in women's status in the Soviet Union. The transformation of a feudal agrarian culture into a modern industrial state has fundamentally altered both the position and the self-perception of women within the system.

Although by no means all have taken jobs of their own free will, the fact that they do work has had a liberating effect and vastly increased their options in comparison with their grandmothers.

In general women, especially in the cities, are marrying later than they did twenty years ago, both because of a longer period of education and because they do not need husbands to support them. Similarly the high rate of twenty-seven divorces annually for every hundred marriages (somewhat more than in Great Britain) may be less indicative of increased marital problems than of women's greater mobility. Since the Sixties liberalized divorce procedures have accelerated this trend.

Her more active role has increased the Soviet woman's self-assurance. The younger ones especially seem disinclined to accept the life of a drone in a dark kerchief and drab coat. At least in the cities, Western styles are well known

and often adapted with success.

However, Soviet women's drive for emancipation collides headon with the limitations of the political system. All fundamental political and social questions are decided by the Party, within which women have a minuscule voice. Although 15 million are Party members (close to a quarter of its membership) and many hold high government or Party posts, none is a member of the powerful fifteen-member Politburo and only 5 per cent are on the 400-member central committee. Women's surface representation in parliament and local Soviets is of little significance since these bodies have no real power to make fundamental decisions.

Tr. from *Neue Zürcher Zeitung*, Zurich. *World Press Review*, v. 23, No. 2, Feb. 1976.

READING 84

Status of Women in the Soviet Union

THE EXPULSION BY Moscow in July of three women accused of publishing a feminist magazine underscored the gap between the Soviet regime's claims about the status of women in the Soviet Union and the realities. Speaking in Vienna, the three exiled women told the Western press that they had run into trouble for publishing the first and last issue of a journal entitled "Women and Russia" last September, for smuggling some material on the subject out to Paris afterward, and for starting work on another magazine called "Maria." In addition, a "Maria Club" was formed with a dozen members which sought to examine the "harassed" position of women in the USSR from all points of view. While furtherance of the feminist cause in the Soviet Union was the major focus of its activity, this group also demanded withdrawal of Soviet troops from Afghanistan and urged Soviet men not to serve in foreign countries.

The Soviet Union has long boasted of the achievement of full equality between men and women. Article 35 of the constitution of the USSR, adopted in 1977, states:

"Women and men have equal rights in the USSR. Exercise of these rights is ensured by according women equal access with men to education and vocational and professional training, equal opportunities in employment, remuneration, and promotion, and in social and political, and cultural activity, and by special labor and health protection measures for women; by providing conditions enabling mothers to work; by legal protection, and material and moral support for mothers and children, including paid leaves and other benefits for expectant mothers, and gradual reduction of working time for mothers with small children."

According to the census results of January 1979, printed in the monthly *Vestnik Statistiki* for January 1980, females in the Soviet Union outnumbered males by 140.1 million to 122.3 million, or 53.3 percent to 46.7 percent. The large difference is due primarily to the great losses of males suffered by the Soviet Union during World War II. The great disparity in numbers is now confined, for the most part, to the over-50 age group which bore the brunt of the war. As this group ages a more balanced population will begin to assert itself as it already has among the postwar generation. (In the Soviet Union today there are 17.8 million more women than men, down from 21.8 million in 1951.)

The degree to which Soviet women share labor burdens in the USSR is unquestionably great in comparison with any other country. According to an article by former cosmonaut Valentina Nikolayeva-Tereshkova, entitled "Women and Socialism," which appeared in the journal *Social Sciences* No. 2 in 1978, "The Soviet Union ensures full employment to all its able-bodied population . . . more than 93 percent of all able-bodied women in the USSR are gainfully employed or are studying."

The proportion of women on the job varies greatly in various sectors of the economy. For example, women constitute 84% of those engaged in trade and "social nutrition"; the jobs of store clerks, cooks and outdoor food vendors being almost exclusively the province of women. Women also make up 74% of the teaching profession, and 69% of all doctors. Overall, women account for 48% of those engaged in agriculture. Even in the six predominantly Moslem republics of Central Asia and the Caucasus, where traditional strictures against the role of women outside the home continue to exert an influence, the figure for women employed outside of agriculture is 44.6%.

The prime reason for the high degree of participation by women in the labor force is the pure economic necessity of having both parents work even in families where there is only one child. This is why the Soviet government has made an effort to provide child-care facilities for working mothers. The above referenced issue of *Vestnik Statistiki* reported a total of 122,300 such pre-school institutions taking care of 13,177,000 children.

As in the West, one of the chief avenues for advancement in society is a university education. During the 1978-79 school-year 51.4% of those students attending Soviet higher educational establishments were women. In 1978 27,000, or 29% of Soviet graduate students were women. In 1978 there were 522,500 women listed under the title of "scientific workers" out of a total of 1.3 million. Of this number 5,200 were "doctors of science" (an advanced Ph.D.), while 104,200 were "candidates of science," equivalent to an American Ph.D.

However, all too often women are relegated to the most menial physical labor, both on the farms and in the cities, while the men occupy the administrative positions. Visitors to the Soviet Union often remark with some amazement at the large number of women they see engaged in repairing roads, buildings, and shoveling snow from the streets. Soviet officials stress the need for alleviating this situation, but little seems to be being done about it.

Particularly burdensome for the modern Soviet woman are the demands placed upon her by both job and family. The Soviet woman not only works alongside men, but finds that she is expected to perform her traditional household and child-rearing duties as well, oftentimes with little or no help from her spouse. The combined burden of work, shopping (which generally means standing in line for long periods of time each day), cooking and cleaning leave the typical Soviet woman exhausted at the end of the day. The result of these pressures have a deleterious effect on the physical and mental health of women and may be one of the causes of the declining Soviet birth rate.

In her article, Nikolayeva-Tereshkova gives a peculiarly Soviet definition of the role of women in Soviet society:

"Soviet power was the first to recognize motherhood as woman's major social, and not merely biological function. The creation of conditions enabling women to combine gainful work, social and political activity and motherhood, became a matter of state policy . . . Together with the father of the children . . . the mother seeks to develop in the child a sense of civic duty, patriotism and internationalism."

One such area of state concern is the institution of motherhood itself, with the state taking an active role in encouraging a high birth rate. One such means is the granting of subsidies to mothers of four or more children. In 1978, such subsidies were paid to 2,331,000 mothers. Another means is the official glorification of prolific mothers. For example, the state awards orders and medals to mothers producing large numbers of offspring according to the following criteria: 1) A mother giving birth to and raising ten or more children receives the honorary title "Hero Mother"; 2) A mother giving birth to and raising seven, eight or nine children, receives the order of "Maternal Glory," 3rd, 2nd or 1st Class; 3) Mothers giving birth to and raising five or six children are awarded the "Maternity Medal" of the 2nd or 1st Class.

Minor Political Role

To gain a fuller understanding of the role women play in Soviet society one must also examine the extent to which they are involved in the country's political life. The official Soviet view is upbeat about the progress that has been made. General Secretary Brezhnev's letter to the participants of the U.N. World Conference in connection with the Women's Decade carried in *Pravda* on July 14, 1980 is typical of this official optimism: "A great gain of the Soviet people, of real socialism in our country is the attainment of true equality of the woman in all fields of political, social and cultural life."

At the lower levels of government the raw figures are striking. For example, as a result of the local elections of 1975 women made up 35% of all deputies to union republic Supreme Soviets (the legislative bodies of the fifteen constituent republics of the USSR), and 49% of all delegates elected to territorial, regional, district, city, village and other local soviets in 1977, according to *Vestnik Statistiki*.

Again, according to Nikolayeva-Tereshkov, "If we sum up the number of women who have been elected deputies to the local Soviets of all convocations, the figure will be a most impressive one: more than 5.5 million women have gained experience in running the state." The Supreme Soviet elected in March 1979 contained 487 women deputies, or 32.5% of the total. This ignores, of course, the purely ceremonial value of being a deputy.

However, when one examines the leadership positions in governmental bodies at the regional and, especially, at the national level, quite a different picture emerges. Of the 165 regional chairmen of soviet executive committees and autonomous republic councils of ministers, only four are women. Of the fifteen union republic councils of ministers chairmen, none are women. The Presidium of the Supreme Soviet of the USSR has only four women out of a membership of 41. And, at the highest level, the USSR Council of Ministers, none of the 98 members are women.

Within the Communist Party itself the story is much the same. As of January 1979 the CPSU numbered some 16,721,322 members, of which 4,280,658, or 25.6% were

women. And again at the positions of real power at both the regional and national level, women are most conspicuous by their absence. Of the 165 regional party committees below the republic level, not one woman serves as first secretary, the most important post. This is also true at the union republic level, where there are no women as first secretaries.

In the CPSU Central Committee in late 1979 there were only 13 women in the entire body of 408 full and candidate members—3%. Only eight of the 13 hold important party or governmental posts, the others being drawn from the token number of true workers in the Central Committee to give it a semblance of proletarian coloring. This compares with 37 full or candidate members who hold military rank—9%.

The current CPSU Secretariat of ten members contains no women, a figure which is equally true of the 23 full and candidate members of the Politburo, the ruling organ of the party and the country. Only one woman, the late Ye. Furtseva, formerly Minister of Culture, has ever served on that body, from 1956 to 1960. However, if rumor is correct, she owed her position more to her personal relationship with Nikita Khrushchev than to anything else. In short, women have a long way to go before achieving positions of any real power at either the regional or national level.

Prospects for Feminism

Despite the existence of a feminist movement, all evidence indicates that it is extremely weak. One of the expelled feminists indicated that her interest in feminist ideas stemmed from contacts with the West and the rising attention in Soviet journals to the movement in the West may rub off to some extent among Soviet women. However, the heavy burdens of life for Soviet women would appear to limit the possibilities for dissidence on their part.

At the same time, the strong participation of women in the labor force and their growing education has clearly given rise to a Soviet woman who is much less dependent on males than her predecessors. While this change has not been reflected politically, it has been reflected on the family level. Thus a leading Soviet writer on women's affairs wrote in the August 10-17 issue of *Moscow News*:

"Recent studies have revealed a seemingly paradoxical situation: most divorces are at the woman's initiative, those women who, as tradition has it, should zealously guard their nests. This fact sheds light on what I think is the most important aspect of the divorce problem: the position of Soviet women has changed so radically that they—economically independent, educated, and emotionally mature—refuse to accept egoists, lazybones, careless husbands and fathers."

Soviet World Outlook, v. 5, No. 9, Sept. 15, 1980.
Washington: Advanced International Studies Institute, No. 9, Sept. 15, 1980.

READING 85

Kathrin Meier-Rust

Babushka Power

Soviet grandmothers are an imposing power bloc. As a result of the last war and Stalin's terror there are twice as many women as men over forty-five in the U.S.S.R. Because so many mothers work this older generation plays an indispensable role in family life. While a third of all preschool children of working mothers are in nurseries or day-care centers the rest are most likely in the care of grandmothers, *babushkas*.

Babushkas' services are important because child care in the Soviet Union is much more time-consuming than in the West. Prepared baby food is rarely available; there are queues at "Children's Kitchens" where fresh milk is dispensed. Housing is cramped, soap is hard to find, washing machines are scarce, as are disposable diapers. Yet many young working mothers find time to iron diapers because *babushka* says that is the way it must be.

According to a recent opinion poll in Leningrad only 20 per cent of the parents felt day-care centers were preferable to raising preschoolers at home. Nevertheless the demand for places at the centers exceeds available space. Meanwhile there are the *babushkas*. One might quibble with their notions of childrearing but there is no doubt their personal attention and affection provide something no day-care center can offer.

Tr. from *Neue Zürcher Zeitung*, Zurich. *World Press Review*, v. 23, No. 2, Feb. 1976.

READING 86

Alexander Gorlov

How I 'Read' the New York Times in Moscow.

During a recent television encounter between Soviet and American journalists [July 1977] there was a statement made by Heinrich Borovik about how difficult it was for him to find an issue of *Pravda* in Washington and how easy it is to read any American newspaper in Moscow. This reminded me of one episode that I would like to recount.

It was summer of 1973. At that time I was the chief specialist in the research section of the Moscow Institute known as TsNIPIASS [Tsentral'nyi Nauchnyi Issledovatel'skiy i Proektniy Institut Avtomatizirovannikh Sistem Stroitel'stva—Central Scientific Research and Project Institute of Automated Systems of Construction] whose function was [the study of] the utilization of computer technology for automation planning. In some brief article in the journal *Nauka i Zhizn'* [Science and Life], I saw a reference to the *New York Times* in connection with the use of pocket calculators in the engineering field (there were no such calculators in the USSR). And in my simplicity I decided to read this newspaper....

As a scientific worker with a degree, I had access to the Science Reading Rooms of the Lenin Central Library. On the second floor of this library there is a large hall where periodicals and newspapers from foreign countries are kept. And that is where I went one day to look for the *New York Times*.

I walked up to a pleasant young lady at the circulation desk, showed her my reader's pass, and asked for that certain issue of the *New York Times*. She smiled and said:

"I can't make this decision. Please ask the chief assistant on duty, over there by that table."

Even though I could not see what there was to decide, I repeated my request to the chief assistant. She listened attentively to what I had to say and asked:

"Why do you need this newspaper?"

"What do you mean why? To read something...."

"I understand that. But do you need it for your work or, for example, for your dissertation?"

"Well, for my work...." I was getting a little uneasy because of this interrogation.

"Wonderful. Then you should bring a letter from the administration of your institute which indicates that you need a certain issue of the *New York Times* for your work."

"But the administration does not need the newspaper; I personally need it. The administration does not even read English."

"Please understand, Comrade (she looked at my reader's pass) Gorlov, these are our rules: Newspapers from capitalist countries are given out to readers only by official request of their administration. Bring me such a letter and you can read all you like."

What could I do? Rules are rules.

A few days later, preparing to visit the library again, I asked my secretary to type the following letter on official stationery:

To the Director of the Lenin Central Library:

The TsNIPIASS Institute requests a certain issue of the *New York Times* for the use of A. M. Gorlov. This issue is needed by Comrade Gorlov for his work, which is connected with the research of the institute.

Director of the TsNIPIASS Institute,
A. A. Gusakov

I then went to the director for his signature. He studied the letter carefully, reading it twice over and trying to figure out its purpose, and then said:

"What is this nonsense? Why can't they just give you the newspaper?"

"They just won't. They say those are the rules."

He read the letter again, thought it over briefly and said:

"But why do you need this newspaper?"

"Well, you know, Alexander Antonovich, I am interested in finding out what they write about calculators. Perhaps it will be useful sometime in the future."

"Interesting. . . . But there is so much that is interesting. . . . Soon there will be a festival of French films—a thousand times more interesting than this *New York Times*."

I tried to laugh it off:

"I agree, but it will be nude girls then, not calculators."

"And is that worse?" The conversation began to take a different turn.

"Of course that's not worse, but it cannot replace work, it can only be enjoyed before or after it. . . . And in the meantime I need your signature."

There was a pause, and then the director said:

"This would mean that you would get the *New York Times* and I will have to be responsible for this, even though I don't have the slightest need for this newspaper. And I am sure that you have no need for it either: you won't find anything interesting there—only advertising and propaganda."

"Perhaps you are right, but first you must read it and only then can you be sure that this is so."

"Alright. First get this letter approved by the secretary of the Party Bureau and the head of the Special Section and then I will sign it."

"But what do they have to do with this? Especially Kostromin" (head of the Special Section, something like a representative of the KGB in every Soviet establishment), "who doesn't understand anything in this matter?"

"That's all, Comrade Gorlov. The library has its rules and we have ours. Get the approvals and then come back."

I could contact the head of the Special Section, Kostromin, only after a few days, since he was "on the road" around Moscow all that time—probably on some government business. He, too, took his time reading the letter from top to bottom and in reverse, asked about the calculators, and finally said:

"What do I have to do with this? I don't understand anything in this matter."

"That's just about what I told Gusakov, but he said that he would not sign without your approval."

"And are ours worse?"

"What, newspapers?"

"No, these calculators. . . ."

"They don't make them here."

"Then, maybe, we don't need them."

"I don't know, but it is always useful to find out about these things."

"What does it look like?"

"What? the calculator?"

"No, this *New York Times*."

"I have never seen it."

"Well, if you have never seen it, then how do you know that you need it?"

Stupefied, I glared at him, not knowing how to answer such a question.

He continued:

"And how do I know what you will read about. . . . Aside from your calculators, it's probably one hundred percent propaganda. And I have to put down my signature. Let Slepukhin sign first (secretary of the Party Bureau). Ideology—that's his field. And I will sign later."

Naturally, this venture with the *New York Times* was not my principal activity, and only after several days was I able to find the time to see Slepukhin. I found him examining some round cactus which, as he later told me, he acquired through influential means (Slepukhin was famous at the institute for his cactus collection, which he had accumulated throughout the years and of which he was very proud).

He read the letter to the library staff attentively and suddenly asked me:

"Tell me, do you think you could sit on this cactus with your pants off?"

I was taken aback and responded:

"Well, what can I say? Perhaps I could" (and I almost repeated the joke: if that was what the Party demanded or if I could shave the needles off the cactus!). "But why should I do this?"

"You certainly don't have to! But you are asking me to do the same sort of thing with this letter! What is the title of the article that you would like to read?"

"How can I possibly know when I have no access to the newspaper?"

"Well, find out somehow and then come back; I need the title."

In about two weeks I had to go to the Lenin Library again and decided to persist in my attempts to get the *New York Times*. I went to the Periodicals Department and quickly found the assistant on duty with whom I had spoken the first time.

"Hello. Three or four weeks ago I requested to see the newspaper—the *New York Times*—and you said that I needed a letter from my institute."

"Oh, yes. Well, did you bring the letter?"

"Not yet, since my management requests that I get the title of the article I need. Could you just show me the newspaper so that I could write down the title?"

"Not without the letter."

"But I can't bring the letter until I find out the title of the article. Let's do it this way: You hold up the newspaper and I will copy the title from afar. I promise that I will read nothing else, I will not bite you and will not tear up the newspaper."

"I can see that you are a normal person. But the newspaper is kept in a restricted collection and I myself can only take it out of there when I bring your letter. Do you understand?"

"I understand. But I don't know the title. . . ."

"And I can't do anything. . . ."

I tried to prove my point further, but it was absolutely hopeless. So I decided to try once again to make Slepukhin change his mind.

When I came into his office, he was locking his desk in preparation for his vacation.

"That's it. . . . I've finished my work, so don't bother me. Tomorrow I'll be swimming in the sea. For Party work I will

be replaced by Kira Mikhailovna Panfilova. Ask her to approve your letters or whatever else. She is a warm and kind woman. And my advice to you in general is: Throw this garbage out of your head and live like a normal Soviet person."

"What garbage?"

"Well, about that New York *Times*. Why don't you read *Krokodil* [Crocodile—the satirical Soviet magazine] instead and take care of your health?"

My conversation with Panfilova was very brief.

"I am not authorized to sign anything until Slepukhin returns. I only collect Party membership dues."

This, strictly speaking, is the whole story.

Once again, probably in a month's time, I spoke to the assistant on duty in the Periodicals Department.

"Is it possible to somehow read the New York *Times* without a letter from my administration?"

"Yes, but only if you are writing your dissertation, for example, connected with a topic in the paper. Do you have anything like this in mind?"

"I am not quite sure about the extent of the connection."

"... I will be defending my doctorate in a few days..."

"On which topic?"

"On the structural design of various types of construction."

"Well, that's wonderful. This means that you can bring a letter from the director of the institute where you will be defending your doctorate and then you may read the New York *Times* to your heart's content."

Having heard the word "letter" once again, I decided that it was really time to "throw the garbage out of my head" and to take care of my health.

And so, I was never able to find out what the article in the New York *Times* was all about. And, perhaps, as the director said, there was nothing of interest in that paper anyway or, for that matter, such a paper may not even exist. But is it possible to find out whether this is so without an appropriate letter?

So, my recommendation to everyone who intends to read the New York *Times* in Moscow is to throw this "garbage" out of their heads and to read *Krokodil* instead, which, occasionally, publishes amusing anecdotes.

And this will be a lot more useful than putting your trust in Heinrich Borovik.

CHARACTER REFERENCE

on Chief Specialist Alexander Moiseyevich GORLOV

A. M. Gorlov, born in 1931, non-Party member, college graduate, assistant of technical sciences, employed by TsNIIPIASS Institute since 1961 [head of the unit, chief project engineer, and leading specialist of the section since 1967].

A. M. Gorlov is a qualified specialist in application of mathematical methods and computer technology for structural design and construction. He participated in the programming of complex automated design for structures and made use of the EVM [Elektronno Vychislitel'naya Mashina—Electronic Computer] in preparing a series of programs on the design and construction of prefabricated reinforced concrete buildings.

In cooperation with other professional engineers, A. M. Gorlov developed complex programs for reinforced concrete design, which are widely used by the design agencies. As a result of these programs, the design of standard-type reinforced concrete struc-

tures and foundations for the Togliatti autoplant complex and other projects have been accomplished.

A. M. Gorlov is the author of fifty scientific papers published in periodicals and a monograph (co-authored with R. V. Serebrianiy) in which he offers the solution to many new and actual problems of structural mechanics. For his work on the automation of structural design, he was rewarded with medals of the VDNKh [Vystavka Dostizheniy Narodnogo Khozaystva—Exhibition of the Achievements of the People's Economy]—in 1965 with a "Gold," and in 1968 and 1969 with "Bronze" medals.

A. M. Gorlov is on friendly terms with literary writer Solzhenitsyn and his family. In connection with this, in 1971, his name was frequently used by the bourgeois press and radio for the purpose of anticommunist propaganda. The leadership, the Party Bureau, and the Local Committee have discussed this with A. M. Gorlov, suggesting that he make an official statement in the Soviet press concerning his disagreement with the fact that his name is being used for that purpose. However, A. M. Gorlov did not do this. In view of the low level of his moral and political qualities, A. M. Gorlov has been relieved of his duties as the leader of the collective.

This character reference has been issued for presentation to the Scientific Council of the NI [Nauchno Issledovatel'ski Institut—Scientific Research Institute] of foundations and underground structures in connection with his doctor's dissertation.

Director of TsNIIPIASS, A. A. Gusakov

Secretary of the Party Bureau, C. Ya. Slepukhin

Chairwoman of the Local Committee, K. M. Panfilova

29 December 1973

The author is associate professor of engineering at Northeastern University, Boston. Born in Moscow, he was ostracized in 1974 by Soviet officials for his assistance to Alexander Solzhenitsyn, and in 1976 emigrated to the United States. This article is reprinted from *The Samizdat Bulletin* (San Mateo, Cal.), no. 56, December 1977. It appeared first, in Russian, in *Novoyé Russkoyé Slovo* (New York), July 24, 1977.

Freedom at Issue, No. 46, May-June, 1978.

READING 87

The Chicago Tribune in 1980 published a cartoon showing two bundled-up laborers chopping wood in a forced-labor camp in the Soviet Union, with the caption: "No kidding, comrade... you really won a silver medal playing hockey in the Winter Olympics?"

READING 88

HUMAN RIGHTS ISSUE A TOPIC IN WARSAW

Armand Hammer, at Meeting, Says Afghanistan Darkens Outlook

By JOHN DARTNTON

Special to The New York Times

WARSAW, Poland, July 5 — Armand Hammer, the American industrialist who maintains top-level contacts throughout the Soviet bloc and sponsors an annual conference on human rights and peace, said yesterday that the conflict in Afghanistan "hangs like a cloud" over the future of world peace.

The same cloud, it appeared, was hanging over an unusual assembly of scholars, diplomats and politicians from 32 nations who gathered at a convention hall here for the third annual Armand Hammer Conference on Peace and Human Rights — Human Rights and Peace.

The repetition in the title is intended to show that peace and human rights are so inextricably linked that they are in a sense interchangeable. The idea of defining peace as human right also preoccupied the delegates, who are members of the International Institute of Human Rights, at their conference last year on Campobello Island, off Canada.

The difference this year is the Soviet military intervention in Afghanistan. The atmosphere of détente that lent a hopeful

tone to the deliberations on that foggy island last year has clouded over, a change that was reflected in a number of speeches and working sessions here.

This year's conference is the first in an Eastern European country, and although the 55 delegates are attending as individuals, not as representatives of governments, and although they include a number of internationalists such as Sean MacBride of Ireland and Philip J. Noel-Baker of Britain, who are Nobel peace laureates, some have not totally shed the conflicting viewpoints of their countries.

An exchange was touched off yesterday in the convention room of the Victoria Inter-Continental when one of the United States delegates, Jerome J. Shestack, who is delegate to the United Nations Commission on Human Rights, denounced the Soviet intervention in Afghanistan.

He was promptly answered by a Soviet delegate, Samuil Ziva, from the Institute of State and Law in Moscow. The session was closed to the press, as are all the conference deliberations.

Afghanistan also seemed to be between the lines of a message sent by President Carter and read to the delegates that said: "Where there is military aggression there can be no human rights, human dignity or human welfare. Where there is governmental oppression, there can be no flowering of the human spirit."

It also appeared that the subject was going to be raised in a speech scheduled in the three-day meeting by Marshall Brement, an adviser in the National Security Council, attending as observer on behalf of the White House.

Mud-Slinging on Human Rights

All in all, the tone of the session, even though it was a convocation of concerned

individuals acting on behalf of the world's conscience, did not bode well for official forums of East-West dialogue such as the follow-up conference scheduled for Madrid this fall on the European security and cooperation agreement of 1975, the so-called Helsinki accords. It is widely predicted that the meeting could degenerate into mud-slinging on the topic of human rights.

The organizers of the current conference explained that its intent was to disseminate the ideal that peace is an inalienable human right. It belongs, they say, to a "third generation" of rights, following the gradual international acceptance of a first generation of civil and political rights and a second generation of social, economic and cultural rights. The third generation would include the right to peace, the right to development and the right to the common heritage of mankind, such as protection against environmental pollution.

In the previous conferences the institute has not been able to come up with a precise definition of the right to peace that would carry teeth and could be applied to specific situations. The delegates rejected attempts to define it as including the right of individuals to refuse military service, for example, or to work with others in opposing power blocs against military preparations that go beyond the needs of national self-defense.

Underlining the political overtones of the conference, this is the first time that the institute, which was founded 11 years ago in Strasbourg by a French jurist, René Cassin, has met in a Communist-ruled country. The organizers insist that it is the first truly international symposium on human rights in Eastern Europe.

New York Times, July 6, 1980

READING 89

Education and Human Rights

Andrei Amalrik

When discussing human rights, we should keep in mind that there exist two categories of human rights: one category can loosely be termed civil rights; the second category social-economic rights.

The first category includes the rights of thought, expression, movement and association, in sum, the right to display initiative — "to do one's own thing." . . . We call this category as a whole the right to freedom.

The second category includes the rights to gainful employment, to medical treatment, to social security, in sum the right to be shielded from social injustice. . . . We call this category as a whole the right to security.

Journal of World Education, v. 8, No. 2, Summer, 1977.

READING 90

Wary of Moscow, Georgians

By ANTHONY AUSTIN

Special to The New York Times

TBILISI, U.S.S.R., Dec. 19—The plane from Moscow to Tbilisi takes the traveler from Russia to a seemingly foreign country belonging more to the Mediterranean world than to the Slav.

The Kura River, cutting through the center of Tbilisi like some Caucasian Tiber, is flanked by hills that are almost Florentine in their canopy of ocher houses and red tile roofs. The poplars that shift from green to blue in the moody Georgian light have a romantic Italianate air. The main street, which parallels the Kura, is a stage for public show and stylized courtship redolent of Sicily or Rome.

And just as Mediterranean as the look of Tbilisi is the quick, exuberant sound of Georgian speech. The language, the glory of a civilization that can be traced to the Bronze Age, is everywhere, in the streets, the restaurants, the shops.

Courses in Georgian

At the Tbilisi State University, the courses are taught in Georgian. In the offices of the Central Committee of the Georgian Communist Party, all major business is said to be conducted in Georgian. In the movie industry, Georgian is the vehicle of an artistic flowering that has produced the most interesting movies being made in the Soviet Union.

All the more surprising, therefore, to discover the existence of the "language question." In conversations with Georgian students, in the long evenings of talk with the Georgian intelligentsia, the subject of the language — the fear that its current pre-eminence is in danger of erosion under the weight of new policies from Moscow — is apt to come up more frequently than any other topic.

Evidence of such Muscovite policies is all indirect; no clear-cut directives can be cited. Several years ago, it is said, Georgian instructors in the institutions of higher learning became aware of a move within the power structure to have all

Worry Over Language Rights

major subjects taught in Russian. The move petered out in the face of determined faculty opposition, but it reportedly came up again more recently at Tbilisi State University.

The university rector, David Chkhikvishvili, is said to have called the faculty together, informing them that the plan was again being broached. The faculty response was said to have been hostile; some professors apparently threatened to resign. The student reaction was said to have been rebellious, and nothing more has been heard of the project since. Perhaps, it is reasoned, the authorities feared "another April 14."

An Extraordinary Demonstration

On April 14, 1978, Rustaveli Avenue, that main street that is named after the 12th-century Georgian epic poet Shota Rustaveli, was the scene of an extraordinary demonstration. Some 5,000 people, mostly young, mostly students, marched from the university and massed noisily before the building of the Georgian Council of Ministers.

The issue was the Georgian language. A new draft constitution had been written for Georgia, as for all the Soviet republics and for the Soviet Union as a whole. The old Georgian constitution had proclaimed Georgian to be the state language. The new one did not.

Precisely what happened next is still not fully clear, since no Western correspondents were in Tbilisi at the time and there has been no official account since. But a widely credited version goes something like this:

As the demonstrators became increasingly unruly, the Georgian Communist Party leader, Eduard A. Shevardnadze, came out of the building to reason with them. "My sons and daughters," he began, and was drowned out by shouts of "We are not children!" and demands for the reinstitution of the language clause.

A Hurried Call to Moscow

Mr. Shevardnadze phoned Moscow but could not get through to the proper authorities. The potential for bloodshed, according to this account, was averted by a Russian general in charge of security who did get through, reported that the situation was ugly, and suggested that it would be wise to yield on the language clause. His recommendation was evidently accepted and Mr. Shevardnadze was able to assure the demonstrators that he would do what he could to satisfy their demand.

In any event, the language clause was reinserted the next day. The Georgian constitution that went into effect Oct. 7, 1978, along with those of the 14 other constituent republics and the overarching constitution of the U.S.S.R., retains the definition of Georgian as the official language.

Interestingly enough, the lesson was applied to the two other Soviet republics with a similar language clause in their constitutions, Armenia and Azerbaijan. In both cases, the clause was dropped from the new constitution and hastily reinserted after the uproar in Tbilisi.

In official circles, there is only disdain for the view that the Georgian authorities could be in league with Moscow on some underhanded plan to downgrade the Georgian language in favor of Russian. So clearly is Georgian pre-eminent on an official level and in all spheres of public life, it is reasoned, that it is no longer necessary to insist on its official status.

The obsolete clause, according to this explanation, is an echo of the era when the revolutionary government in Moscow

New York Times, Dec. 21, 1979.

CHAPTER THREE

Teaching Strategies for Elementary and Secondary School Classrooms

This chapter contains, in as standardized a form as possible, teaching strategies based on or suggested by the materials and documents appearing in the previous chapter. The strategies have been grouped into elementary-level and secondary-level for convenience sake, but teachers may find that they wish to adapt and utilize freely from both sets.

For the elementary strategies which require materials from the preceding chapter, the readings have been rewritten to permit easier access. Teachers of elementary students are urged to refer to *Instructor Magazine's* October 1978 issue which contains a provocative article by William W. Crowder (v. 88, No. 3, pp. 165 et seq.). This is not reproduced here for the magazine is so readily available.

Both groups of strategies contain suggestions for further activities, for wider application and use concerning countries which are not included in this project. Teachers may use the strategies in any order at all. There is no set sequence, although some of them suggest others from the list as extension or follow-up activities. Adapt single-nation strategies for more than one or for others.

Additional strategies for use by community groups, public libraries and others may also be appropriate to secondary school use. The Community Resource Manual is included in most copies of this *Handbook*.

EXERCISE 6: *Myths or Reality—An Interview Strategy*

LEARNING OBJECTIVES:

After completing this exercise, the student will:

- (1) Have assumed the role of an interviewer or respondent.
- (2) Have investigated appropriate questions and answers based on materials and specific roles.
- (3) Comprehend the possibility of dual meanings of questions and answers.
- (4) Recognize and/or explain the differences between cultural myths and realities.

TYPE OF GROUP:

Elementary class, partners, or small groups.

TIME REQUIRED:

At least 5 days.

MATERIALS:

- (1) General information on the country selected, from encyclopedias, atlases, reference books, Reading B.
- (2) Readings in *Handbook*.
- (3) Readings from Student Bibliography.
- (4) Materials for interviews (videotape or tape recorders, if desired; badges, etc.).
- (5) Readings 1, 16, 34, 43 or 59: constitutions.
- (6) Readings 15, 33, 42, or 57: country reports. (Soviet Union not included.)

HOW TO PROCEED:

- (1) Discuss interviews. Include: why and how they are conducted, preparation, settings, approaches, body language, wording of questions, ground rules, preconceived notions, formats, tangents, supportive quotes and documents, defensive and offensive answers, avoidance, not answering the question, sensitive questions, slander, interviewer bias, etc.
- (2) Assign one group (or partner) the role of interviewer. Assign a matching group a specific character role. (For example: Indira Gandhi, a Russian dissident, a pickpocket in Bogota, etc..) Give matching groups access to the same materials.
- (3) Prepare evaluation form together.
- (4) Interviewers (as individuals or group panel) are to prepare questions that pertain to human rights issues. Emphasis should be on achieving explanatory answers to controversial questions (yes-no questions are to be avoided). Groups may assign one person to present the questions or may all ask questions.
- (5) During class presentations, respondents are to answer questions according to roles that they have assumed. Panelists may field questions. Respondents must attempt to get their point of view across.
- (6) Class then evaluates interview process and content and completes evaluation form.
- (7) As a group, discuss the myths and realities of human rights in the countries assigned. Compare legal rights to actual practice.

PROBLEMS TO ANTICIPATE:

- (1) Students who hesitate to speak before the class should be given the opportunity to prepare questions rather than field them.
- (2) Role-playing unfamiliar characters is difficult. Class discussion should center around content rather than acting or misinterpretations of the role.

EVALUATION:

As a class, prepare an evaluation form that concentrates on preparation, cooperation, and efforts to apply content affectively. Deemphasize skill at role-playing, participation in fielding questions, etc.

EXTENSION ACTIVITIES:

- (1) Ask students to scrutinize TV interview techniques, such as 60 Minutes or Barbara Walters (ABC-TV) and the wording of newspaper interviews. Discuss. (Reading 50.)
- (2) Repeat the process, switching roles and assuming new characters.

EXERCISE 7: Hooliganism**LEARNING OBJECTIVES:**

After completing this exercise, the student will be able to:

- (1) Describe hooliganism from the Soviet perspective.
- (2) Analyze the crime of hooliganism in the Soviet Union.

TYPE OF GROUP:

Elementary; large group.

TIME REQUIRED:

1 short lesson.

MATERIALS:

- (1) Multiple copies of definitions of "Hooliganism", if desired.
- (2) Multiple copies of Reading 69.
- (3) Multiple copies of Reading 61.

HOW TO PROCEED:

- (1) Discuss the following definition of hooliganism with the class:

HOOLIGANISM: The behavior or character of a hooligan (young ruffian, member of a street gang, hoodlum); rowdiness, vandalism.

- (2) Ask the class to list as many activities that they can think of that would fall under the rubric of hooliganism. The purpose here is not to be judgmental, but to determine the nature of the crimes that constitute hooliganism. You might list, for example:

- graffiti
- rumble, riots, violent protests
- loud music, talking, etc., in public

Before the class begins creating novel crimes, present the following questions for discussion:

- (a) Would giving a speech in a park constitute hooliganism?
 - (b) If you were to participate in a debate at a meeting, would you be a hooligan?
 - (c) If you published articles about the government, would that be considered hooliganism?
- (3) Distribute the Soviet definition of hooliganism taken from the Russian Criminal Code.
HOOLIGANISM: intentional actions which grossly violate public order and express an obvious disrespect toward society.
 - (4) Discuss the definition, using the following questions as a guide:
 - How can "disrespect toward society" be determined?
 - What is a definition of public order?
 - Who determines what "obvious" disrespect is?
 - How can actions be identified as "intentional"?

Concentrate in the discussion on the issue that the definition is vague and general, but it is a common charge in the Soviet Union.

- (5) Discuss Reading 61, followed by Reading 69, emphasizing Alexander Feldman.

PROBLEMS TO ANTICIPATE:

Students may be more interested in discussing possible acts of hooliganism. Quickly move the discussion into the Soviet definition.

EVALUATION:

Present the following question for small group discussion or for short answer evaluation:

Describe the Soviet Union's use of the term "hooliganism."

EXTENSION ACTIVITIES:

Discuss the punishment for hooliganism and other crimes in the Soviet Union. Use Reading 79, as a source of information about prison conditions.

EXERCISE 8: Analyzing A Constitution**LEARNING OBJECTIVES:**

After completing the exercise the student will be able to:

- (1) Describe the general content and purposes for constitutions.
- (2) Compare and contrast the pictorial constitutions (Handouts A and B).
- (3) Comprehend that limitations on human rights do exist.
- (4) Determine why limitations on human rights are necessary and/or unnecessary.
- (5) Recognize how certain phrases in constitutions limit human rights.

TYPE OF GROUP:

Elementary; small groups, partners, class.

TIME REQUIRED:

1-2 lessons

MATERIALS:

Handouts A and B showing portions of the Indian Constitution with and without elaboration (multiple copies).

HOW TO PROCEED:

- (1) After discussion of what a constitution is and what it is designed to do, provide students with a copy of Handout A. Do not identify the source. (Source: "Universal Declaration of Human Rights" prepared by the National Council of Educational Research and Training, Delhi, India)
- (2) Ask class: Could they live under this constitution? What might they want added to, or deleted from the document?
- (3) After discussion of "A", hand out pictorial constitution B. Do not identify the country. Handout B contains the actual wording of specific articles of the Indian Constitution.
- (4) Ask class: How do they feel about the new changes? Would they wish to add or delete anything? In what way do certain phrases limit the rights guaranteed by the Constitution?
- (5) After discussion, teachers should inform the class of the origin of the Constitution and background/problems connected with it.
- (6) Should students feel there should be no limitations on individual rights, teachers may wish to tie the discussion in with personal rights of children, i.e.:
 - Can you watch TV? . . . anytime? . . . anything? why? why not?
 - Can you talk at home? . . . say anything? . . . anytime? why? why not?
 - Are you fed at home? . . . can you eat anything? anytime? why? why not?
- (7) Ask students to draw conclusions about the extent to which limitations of human rights should be carried out. Discuss the role of government (as compared to parents, teachers and peers) in limiting human rights. Compare the formal document with informal societal practices.

PROBLEMS TO ANTICIPATE:

Teacher may need to review terms such as "public assistance," "worship," "society" and "castes."

EVALUATION:

In a written exercise, ask the students to select one article from the Indian Constitution as shown on Handout B, and describe in as many ways as possible how the government can limit a specific right.

EXTENSION ACTIVITIES:

- (1) Investigate the constitutional legality of Indira Gandhi's Emergency.

- (2) Read other portions of the Indian Constitution and identify the limiting phrases.
- (3) Illustrate the Indian Constitution in chart form in a format similar to Handout B.

EXERCISE 9: *Nigeria's Constitution***LEARNING OBJECTIVES:**

After completing this exercise, the student will be able to:

- (1) Determine the need for specific constitutional articles for the implementation of a democratic government.
- (2) Draw conclusions about articles from the Nigerian Constitution.
- (3) Describe the governmental activities needed for guaranteeing the rights stated in the given articles.

TYPE OF GROUP:

Elementary small groups and class discussion.

TIME REQUIRED:

1 long lesson.

MATERIALS:

- (1) Teacher background, Readings 50 and 51.
- (2) Multiple copies of Readings 50 and 51, if desired.
- (3) Excerpts from Nigeria's Constitution, as follows:
 - Art. 4. The state shall foster a feeling of belonging and of involvement among the various peoples of the Federation, to the end that loyalty to the nation shall override sectional loyalties.
 - Art. 5. The state shall abolish all corrupt practices and abuse of power.
 - Art. 2. Government shall promote science and technology.
 - Art. 20. The state shall protect and enhance Nigerian culture.
 - Art. 22. The National ethic shall be Discipline, Self-reliance, and Patriotism.
 - Art. 30 (2). Any person who is arrested or detained shall have the right to remain silent or avoid answering any question until after consultation with a legal practitioner or any other person of his own choice.
 - Art. 30 (3). Any person who is arrested or detained shall be informed in writing within 24 hours (and in a language that he understands) of the facts and grounds for his arrest or detention.
 - Art. 34. The privacy of citizens, their homes, correspondence, telephone conversations and telegraphic communications is hereby guaranteed and protected.
 - Art. 36 (7). When any person is tried for any criminal offense, the court shall keep a record of the proceedings and the accused person or

any person authorized by him in that behalf shall be entitled to obtain copies of the judgment in the case within seven days of the conclusion of the case.

HOW TO PROCEED:

- (1) Divide class into groups of three or four.
- (2) Distribute the pages of constitutional excerpts. Explain that the group is going to be analyzing portions of the new Nigerian Constitution.
- (3) Discuss the contents of the two articles (above) with the class. Emphasize that Nigeria is attempting to build a democracy modeled after the American system. Give a brief description of the past governments of Nigeria.
- (4) Quickly review each constitutional excerpt aloud, clarifying any confusing terms. Assign one excerpt to each small group.
- (5) Write the following list of questions on the board, explaining each one individually. Each group is responsible for analyzing their excerpt according to the questions on the board. Explain that some questions will be more applicable than others. Allow 15-20 minutes for the groups to discuss their constitutional excerpts.

Questions for discussion:

1. Rephrase the article in your own words to make sure you understand it.
2. Why is your part of the Constitution necessary for a democracy?
3. What would the government have to do to make sure your excerpt comes true?
4. What kinds of things could be done by the government to violate your part of the Constitution?
- (6) Each group is to present their conclusion to the entire class.

PROBLEMS TO ANTICIPATE:

Some groups may finish earlier than others. Encourage them to analyze other excerpts or to compare their own excerpts with others. You may want to reserve 2 or 3 excerpts for groups who finish earlier.

EVALUATION:

Ask the students to summarize the findings of each group in three or four sentences. Encourage them to take notes during presentations, or to write the summary after each presentation.

EXTENSION ACTIVITIES:

Distribute the entire Nigerian Constitution and either (a) discuss the articles, (b) compare it to the United States Constitution or (c) consider how democracy is evident or not evident through evaluation of the Constitution.

EXERCISE 10: *Media Censorship*

LEARNING OBJECTIVES:

After completing the exercise, the student will be able to:

- (1) Identify the purposes of censorship.
- (2) Evaluate the impact of censorship on public and private media.
- (3) Describe personal feelings when censored.

TYPE OF GROUP:

Elementary; small group and class discussion.

TIME REQUIRED:

1 long lesson.

MATERIALS:

- (1) If assigning collages or newspaper as class projects, materials such as books on the country, *National Geographic*, articles on human rights, etc., will be required.
- (2) Readings 16 and 18.

HOW TO PROCEED:

- (1) Assign students group project (i.e., prepared collage on a censored country such as India or Colombia using construction paper with magazine photos, student drawings, etc., or plan a newspaper that realistically depicts life in India.) Note that the activity is to give students a chance to express their own ideas and to tell what they believe is the truth about the country. After some time . . .
- (2) Stop two of the groups in class announcing to class that you do not like what they are doing. Have other groups continue their activity. You may want to allow the censored groups the option of changing their approach. After about five minutes . . .
- (3) Ask the group how they felt about being stopped from completing the assignment. Was it fair? Did they continue anyway along the new guidelines? When might such an action be fair?
- (4) Introduce the word "censor." Note that, although Constitutions do provide for freedom of press, the government in some countries is often permitted to stop (and does stop) newspapers from writing certain things. India's Constitution is an excellent example of censorship possibilities. Point out the loopholes in the Constitution and the Emergency Clause.
- (5) Discuss with the class:
 - (a) Why censorship is used
 - (b) When this practice should be permitted
 - (c) What impact it might have on
 - What is said or not said in the media
 - The people's awareness of current issues
 - The people's attitude toward their government
 - Personal feelings when censored

- (d) What they would do in this situation if they were the editor of a newspaper

PROBLEMS TO ANTICIPATE:

The teacher will have to determine the most appropriate time for censoring 2 groups. There will undoubtedly be a negative reaction as the other groups are permitted to continue. It may be more effective to periodically censor each group as they attempt to include items that the government would not like to see in print.

EVALUATION:

Ask students to prepare an editorial for a newspaper that is not censored. A partner is then to rewrite the editorial so that it can be published in a censored newspaper.

EXTENSION ACTIVITIES:

- (1) Share Reading 18 with class.
- (2) Investigate Soviet dissident movement and determine why and how it exists, beginning with Reading 86.
- (3) Study various American newspapers, concentrating on the editorial page. Relate discussion to censorship.
- (4) Discuss books banned in the Soviet Union (Reading 65).

EXERCISE 11: *Don't Pay Bad for Bad*

LEARNING OBJECTIVES:

After completing the exercise, the student will be able to:

- (1) Explain the moral of "Don't Pay Bad for Bad."
- (2) Analyze articles from the Nigerian Constitution discussed in class and possible violations.
- (3) Understand that customary practices may supersede constitutional regulations.

TYPE OF GROUP:

Primary-Intermediate class.

TIME REQUIRED:

1 lesson.

MATERIALS:

- (1) For the teacher, Reading 43.
- (2) Copies of Reading 44 (or, written on board in summary form to read aloud).

HOW TO PROCEED:

- (1) Read Reading 43 aloud to class.
- (2) Discuss:
 - The basic events of the tale.
 - How the judge may have arrived at his conclusion.
 - What the title means, i.e., what is the moral of the story?
 - Related classroom incidents.
- (3) Encourage volunteers to act out the folktale (You

may wish to borrow the original book from a library and read it out loud. We could not reprint the article in the *Handbook* without permission. See citation at end of Reading 43.)

- (4) Write on the board the following statements: (for primary grades, read aloud and discuss vocabulary)

Everyone has a right to life.

No one shall be deprived of his/her property.

The law shall apply equally to everyone.

- (5) Discuss how these laws apply to the story. Discuss how they are violated.
- (6) Discuss articles from the Nigerian Constitution and how they can be violated (either by government interference or by individuals) in real life.

PROBLEMS TO ANTICIPATE:

- (1) The underlying message may not be initially clear to the students. Before role-playing, review the plot and the meaning of the title.
- (2) It may be necessary to explain the term "constitution."

EVALUATION:

Ask students to write a story about the violation of one of the rights discussed. The story should include a solution to the problem or a comment (moral) relating to objective #3.

EXTENSION ACTIVITIES:

- (1) Act out student stories.
- (2) Extend discussion to other articles of the Nigerian Constitution or other constitutions.

EXERCISE 12: *Preventive Detention*

LEARNING OBJECTIVES:

After completing the exercise, the student will be able to:

- (1) Explain the process of preventive detention in India.
- (2) Describe personal feelings when preventively detained or when witnessing others being detained.
- (3) Identify the purpose of preventive detention.
- (4) Evaluate the impact of preventive detention on individual lives and on society.

TYPE OF GROUP:

Elementary class.

TIME REQUIRED:

1 long lesson.

MATERIALS:

- (1) For teacher background, Readings 24 and 32.
- (2) Materials for Indian lesson prepared by teacher (see below).

HOW TO PROCEED:

- (1) After you have begun some other lesson on India, instruct four students in the class to go to separate corners of the room and to stand there, facing the wall not the class.
- (2) Announce to the class that there will be no discussion as to why you told them to do this, nor do you give any reasons.
- (3) Continue your original lesson for several minutes. Then stop.
- (4) Without having the students in the corners turn around and face the class, ask them to explain how they felt about your order to face the wall. Ask members of the class about their reaction to your order.
- (5) Explain that in India the government has the right to arrest people and then in some cases place them in prison without a trial or explanation. Illustrate by reading from the Constitution and from the articles listed in the materials section. Discuss:
 - How does this compare with what happened in class today? How did it feel to be detained or to witness the process?
 - Why would the government of India want to do this?
 - Discuss with the class the reasons for trials.
- (6) Note that in India, the Constitution does provide that a person must have a hearing as soon as possible *except* where the government has passed laws to put a person in prison without a trial or an explanation.

Ask the students whether they think there should be any exceptions to the "24 hour" rule, i.e.,

 - How is it to affect the quality of the trial? preparation of the defense? government policy?
 - How would the students feel if they lived there? How would knowledge of preventive detention influence their everyday life? How does it influence their image of Indian society?
- (7) Note that in the United States preventive detention is not permitted. In India, there is currently a movement against "preventive detention."

PROBLEMS TO ANTICIPATE:

- (1) Student reaction may be negative at first. Be firm in your stance that you need not give an explanation. Be cautious in your selection of students.
- (2) Do not encourage students to carry out this exercise on their own.

EVALUATION:

Divide class into halves. One half is to justify the government's use of preventive detention. The other half is to produce arguments against it. Ask the two sides to compare their reasons.

EXTENSION ACTIVITIES:

Discuss issues that occur in the classroom, from both sides of the question. Determine where human rights are involved and where they may have been violated. Encourage students to provide explanations for behavior that take into consideration the feelings of others.

EXERCISE 13: *The Story of Arumugam***LEARNING OBJECTIVES:**

After completing the exercise, the student will be able to:

- (1) Describe bonded labor in India.
- (2) Analyze the actions of Arumugam.
- (3) Explain the difference between legal and customary practices in society.

TYPE OF GROUP:

Elementary class or small groups.

TIME REQUIRED:

1-2 lessons.

MATERIALS:

- (1) For teacher background, Reading 21.
- (2) Multiple copies of Reading 21 (teacher may wish either to summarize the story or read through it with vocabulary assistance for students).

HOW TO PROCEED:

- (1) Read the attached story aloud or tell it in your own words to your class.
- (2) Discuss the following questions with your students:
 - What has happened to Arumugam?
 - Why did he work for such low wages?
 - Why did he run away and why was he hunted down?
 - How do you feel about Arumugam? How did you feel about him when he ran away?
 - If bonded labor is illegal in India why does it still exist? What is the difference between something that is legal and something that is customary?

PROBLEMS TO ANTICIPATE:

Students may have difficulty comprehending why Arumugam lives this way and why he returned to the landlord. Discuss Arumugam's exposure to other ways of living and compare to people in America.

EVALUATION:

Students should research other instances of bonded labor, slavery conditions, etc., in India and other countries. Reports should include a comparison of what is legal and what is customary practice in the country identified.

EXTENSION ACTIVITIES:**"Working Children"**

- (1) Begin activity with the following set of discussion questions:

- Do any of you have jobs to earn money?
- What do you do with the money you earn?

- (2) Many Indian children (over 11 million) under the age of fourteen work to help their families get enough to eat. In the cities, these children drop out of school to:

Sell lottery tickets and newspapers.

Polish shoes.

Carry baggage at bus and railway stations.

Help clean the homes of the rich.

- (3) Discuss the following:

- How would you feel if you *had* to work to help out your family?
- How might you have to change your life? What things couldn't you do that you do now?
- Should children have to work? Why?
- For the some 11 million Indian children, school is not possible. How might this affect their lives?
- In your opinion, what should be done to change this situation in India?

Supplement this activity by using multiple copies of Reading 20.

EXERCISE 14: *Druzhinniki* (Droo-zhée-nee-kee)

LEARNING OBJECTIVES:

After completing the exercise, the student will be able to:

- (1) Describe the role of the druzhinniki in the Soviet Union.
- (2) Analyze the effectiveness of people's patrols.
- (3) Devise and produce a skit with a theme.

TYPE OF GROUP:

Elementary; small groups.

TIME REQUIRED:

1-2 long lessons.

MATERIALS:

Multiple copies of "Duties of the People's Patrols" (next page).

HOW TO PROCEED:

- (1) Beginning in 1958, People's Patrols were formed in the Soviet Union. The Patrols, called "druzhinniki" are a type of auxiliary police. Millions of people joined the druzhinniki in order to carry out the functions described in "Duties of the People's Patrols." Explain the role of the druzhinniki and divide the class into groups of three or four.
- (2) Each group is responsible for preparing a short skit based on the duties of the druzhinniki. They are to select a specific duty and demonstrate the role of the victim(s) and the role of the druzhinniki. Each group is to convey one or more of the following themes:

- (a) Law enforcement by your peers can be effective.
 - (b) Law enforcement by your peers can be dangerous.
 - (c) Laws can be interpreted differently.
 - (d) Personalities can interfere with effective law enforcement.
- (3) As the skits are presented, the class should attempt to determine the underlying theme(s). Discuss the presentations.

PROBLEMS TO ANTICIPATE:

Students may need specific guidance in preparing the skits. If necessary, assign a theme and a duty to be depicted by each group.

EXTENSION ACTIVITIES:

- (1) Reverse roles.
- (2) Discuss how community patrols work in the U.S.A.
- (3) View "U.S.S.R.—The Soviet Citizen and His Community" (1968, 23 min., color) from Visual Aids Service, University of Illinois, Champaign, Illinois 61822.

"Duties of the People's Patrols"

1. To maintain public order on streets, in stadiums, parks and other public places, at meetings, demonstrations, sports events, etc.;
2. Together with police, court and Procuracy agencies, to combat petty crime ("hooliganism"), drunkenness, theft, violations of trade regulations, speculation, moonshining, and other offenses;
3. To enforce traffic regulations;
4. To combat neglect of children;
5. To make suggestions to state and social organizations for taking measures of influence against persons who violate public order;
6. To send materials concerning offenders to Comrades' Courts or administrative agencies, to send druzhinniki as social prosecutors where necessary, and to report offenses in the press, wall newspapers, posters, window displays and bulletins.
7. To participate in educational work among the population concerning the observance of socialist community life and the prevention of anti-social offenses.

The druzhinniki has the right to demand that a citizen stop violating public order and to demand that he produce identification papers or a driver's license; to take an offender to the headquarters of the Patrol, to the police, or to the local soviet; to obtain transportation for the victim of an accident or a crime; freely to enter clubs, stadiums, cinemas and other public places, in order to maintain order.

EXERCISE 15: *In The City, In The Country*

LEARNING OBJECTIVES:

After completing the exercise, the student will be able to:

- (1) Explain how the caste system affects the lives of individuals in India.
- (2) Comprehend the influence of religion in India and compare it to the influence of legal documents.
- (3) Describe personal reactions to the caste system.

TYPE OF GROUP:

Elementary; small group and class discussion.

TIME REQUIRED:

1-2 lessons.

MATERIALS:

- (1) Teacher background; Reading 26.
- (2) Multiple copies of the two stories which follow at the end of Exercise.
- (3) Multiple copies of Reading 16, Part XVI.
- (4) Textbook or article describing Indian Caste System. Our recommended definition is "That group into which one is born and within which one must marry; related to other such groups according to a Hindu ritual pollution hierarchy."
- (5) The following, written on the board in advance:
Group 1:

1. What does it mean "to beg?" Have you ever heard the word used? If so, where?
2. Have you ever seen someone beg? Where? How did you feel about the person you saw begging?
3. How do you feel about the people in the story?
4. Why might a person have to beg? What might a person gain? How would you feel if you *had* to?
5. What did the man mean when he said, "That is our profession."
6. What if anything, should a government do for these poor people?

Group 2:

1. Define these words:
Hostel
Rupees
Bangalore
Lingayat
2. Who do you think is telling this story?
3. What happened to the person in the story? Why couldn't the person find a house to rent?
4. Why didn't the storyteller lie?
5. How do you feel about what happened?
6. How would you feel if you were the person looking for a house to rent?

HOW TO PROCEED:

- (1) Divide the class into four small groups. Give Group 1 copies of "In the Country" and Group 2 "In the City." Give Group 3 the assignment of presenting basic information (from a text) about

the Indian caste system. Give Group 4 a copy of Part XVI of the Indian Constitution.

- (2) Allow groups 15-20 minutes to prepare presentations. Groups 3 and 4 are to describe what they have read to the rest of the class. (Suggest that they immediately divide up the responsibilities). Groups 1 and 2 are to:
 - (a) read aloud or retell the story.
 - (b) answer the question on the board.
- (3) Ask Groups 3, 4, 1 and 2 to present to the class in that order.
- (4) Conduct class discussion about constitutional rights as compared to firmly entrenched religious practices. Keep objectives in mind.

PROBLEMS TO ANTICIPATE:

- (1) Groups may be too large. A fifth group could study the remaining portions of the Indian Constitution.
- (2) It may be necessary to explain the profession of "begging" to the class.

EVALUATION:

Ask students to explain why they believe that changes in India will occur slowly, despite the democratic government and constitutional changes.

EXTENSION ACTIVITIES:

- (1) Discuss how religion in all countries affects personal employment, activities, outlooks, etc. Include discussions of Northern Ireland, Israel, Russian Jews, Indian Muslim uprisings, and even the founding of the American colonies.
- (2) Ask students to prepare additional case studies related to this topic.

In the Countryside

One day my grandfather's brother with whom we were staying took me with him. I saw him begging and accepting what was given, and I saw that he belonged to some different kind of community and that all were very, very poor. I asked my grandfather's brother why he begged. "In Bombay," I said "we never begged." And he said, "This is our profession, we have to do it."

In the City

When I came back from England, I found it difficult to rent a house. For the first few months I stayed in a hostel while looking for a house for myself. Then I learned that a doctor in Bangalore had a house here. I went to see him and offered 60 rupees rent for a house that normally gets only 45 rupees. He wrote out a letter of agreement, it was all ready and then he asked me if I was a Lingayat (member of a caste group which is outside the mainstream of Hindu culture). I said true to my conscience, no, I was scheduled caste. Then he said he would not rent to me, that he could not overlook the wishes of his friends and family. And this was a doctor, educated in England.

EXERCISE 16: *Panel Discussion of Constitutional Violations*

LEARNING OBJECTIVES:

After completing the exercise the student will be able to:

- (1) Recognize the difference between constitutional guidelines and actual practices.
- (2) Identify clauses in constitutions that permit violations of human rights or appear to protect human rights.
- (3) Synthesize materials in a coherent manner.
- (4) Present information about human rights to the class in an organized panel discussion format.

TYPE OF GROUP:

Intermediate grades; small groups, large group discussion.

TIME REQUIRED:

4-5 lessons

MATERIALS:

- (1) Copies of Reading 1 (Articles 15, 23, 28, 38, 42, 121), Reading 34 (Arts. 3, 10, 13, 14, 16), Reading 44 (Arts. 15, para. 2-5, 16 para. 2-3, 20, 21, 36, para. 1), Reading 59 (Arts 64, 70, 72, 190-3).
- (2) Copies of Readings 15, 33, 42, 57.
- (3) Copies for small group use of Readings 2, 12, 36, 38, 40, 48, 49, 50, 51, 68, 71.

HOW TO PROCEED:

- (1) Divide the class into four groups: Colombia, Italy, Nigeria and the U.S.S.R.
- (2) Allow at least two class periods for students to read through and discuss materials. They are eventually responsible for preparing a panel discussion to present to the class.
- (3) Group discussion should center around: definitions, wording of articles in the Constitutions, contents of the country reports, existing practices, description of human rights violations, possible solutions, and personal reactions to contents.
- (4) With the class, decide a panel discussion format including role assignments, time limits, question and answer periods, visual illustrations, etc.
- (5) Present panel discussion. Videotape if desired.

PROBLEMS TO ANTICIPATE:

- (1) It may be necessary to define "Constitution."
- (2) Groups may be too large. A fifth group could investigate India's constitution and related articles.
- (3) Students with learning difficulties can be involved in moderating the panel, preparing visual aids, reading shorter excerpts, etc.
- (4) Students may require aid when reading articles.

EVALUATION:

Prepare panel evaluation criteria with the following categories: organization, individual participa-

tion, preparation of materials, and comprehension of constitutions and articles.

EXTENSION ACTIVITIES:

- (1) Evaluate other portions of individual constitutions.
- (2) Read aloud articles of the Constitutions and ask class to determine the country.

EXERCISE 17: *The Little World of Ramu*

LEARNING OBJECTIVES:

After completing the exercise the student will be able to:

- (1) Describe the life of a member of a scheduled caste in India.
- (2) Explain why Ramu cannot alter the conditions of his life.
- (3) Compare and contrast Ramu's life to his or her own life.

TYPE OF GROUP:

Elementary; class discussion.

TIME REQUIRED:

1 lesson.

MATERIALS:

Copies of Reading 22 A for each student.

HOW TO PROCEED:

Tell or read the story of Ramu to your students. Use each part of the story separately—for discussion purposes. Then ask:

- (1) ● What does Ramu do to earn a living?
 - What problems does he face?
 - What does the person mean—"No time to know freedom?"
 - Describe what life might be like for Ramu's children.
 - How does Ramu's life compare to your family life?
- (2) ● What has Ramu done with his vote? Why?
 - How do you feel about his actions?
 - Why does the writer say "Ramu did not understand the issues involved in that or in any previous election?"
- (3) ● According to the story, why can't Ramu improve his way of life?
 - What is meant by "The caste leaders in Ramu's community are also there to make sure that Ramu continues to do his work and does not try to change?"
 - What do you see as Ramu's future?
 - How would you feel if you found yourself in this situation?

PROBLEMS TO ANTICIPATE:

Students may have difficulty understanding why Ramu cannot change his life. A discussion of the caste system may be necessary as an introduction.

EVALUATION:

Ask students to write or discuss the question. Compare your definitions of "democracy" and "government" with Ramu's.

EXTENSION ACTIVITIES:

- (1) Find out more about India's democracy and election process. Is it a true democracy if votes like Ramu's can be purchased?
- (2) Prepare similar case studies of members of scheduled castes. Identify the constitutional clauses pertaining to scheduled castes and tribes and compare to customary life in India.

EXERCISE 18: A Progressive Definition of Human Rights

LEARNING OBJECTIVES:

- (1) To realize that perceptions of human rights have evolved in history.
- (2) To recognize that human rights have developed and faded, not remained static.
- (3) To become aware of the influence special interest groups bring on the human conscience.
- (4) To recognize that an international conscience has not yet developed that will permit the same meaning and acceptance of "basic" human rights to be recognized everywhere.

TYPE OF GROUP:

Grades 10-12.

TIME REQUIRED:

Initial lesson, 2 class periods.

MATERIALS:

One copy of Universal Declaration of Human Rights, from Reading C, pp. 3-7, for each student; normal textual materials for the course.

HOW TO PROCEED:

In the context of a Western Civilization, European History course, human rights will be studied in their Western ancestry.

- (1) Assign the Declaration to be read, providing a vocabulary list/glossary (or use the glossary in this *Handbook*).
- (2) A brief or extended discussion of the term human rights should result in a class-produced "definition" or operating agreement. This should be posted or used as a heading for a worksheet for further development.
- (3) Assign reading in the texts on Athenian democracy. If possible, have students read the Funeral Oration of Pericles. (Note: *The Shaping of Western Society* has a record of contrasting values in Athens and Sparta, a possible starting point. (Sparta and Athens are good, for both offer opposing philosophies which emerged almost simultaneously from similar social origins. The class

structure of both societies is significant in understanding the departure of the two.

- (4) Restudy the Universal Declaration in the light of what was learned about Athens and Sparta.
- (5) Select similar major crises of Western civilization, such as the barons' rebellion that led to Magna Carta, the turbulence that ended in the English Bill of Rights, the industrial revolution that gave rise to the mining and industrial legislation of Victorian England, the Evangelical movement from which the abolition of the slave trade arose. In each instance, study the historical and cultural context, then the human rights documents which relate to them, and finally compare analytically the Universal Declaration. Do not select all "forward looking" points: treat the Holocaust in the same manner; the Dreyfus affair; the spread of slavery in the New World through Dutch and English traders; the colonial imperialism of the Western nations in the 19th and 20th centuries which was in many respects antithetical to Human Rights. Also raise some of the questionable points, too, such as the War Crimes Trials in Nuremberg, the trials of dissidents in Russia (the Soviets view them differently from us), the riots against Muslims in India, the Biafran War, the status of Protestant Christians and native Indians in Colombia, the role of the Church in Italy.
- (6) Periodically, the Universal Declaration should be reviewed, reread, and charted to determine how far along civilization has come toward the statements contained in it in practical terms; the evidences of steps backward as well as forward; the explanations for backward and forward movements.

EXERCISE 19: Opposites

LEARNING OBJECTIVES:

- (1) To gain an insight into two diametrically opposed human rights viewpoints.
- (2) To develop research skills.
- (3) To learn to express controversial stands without passion.

TYPE OF GROUP:

Grades 10-12.

TIME REQUIRED:

One class period plus preparation.

MATERIALS:

- (1) Library resource materials.
- (2) Human rights materials in this *Handbook*, as applicable.

HOW TO PROCEED:

- (1) From among the following topics or similar topics conceived by the class related to World History or

European History, teams of students should select one:

- Athens versus Sparta
 - England versus the Third Reich
 - USSR versus Czechoslovakia
 - India (Nehru) versus Pakistan (Jinnah)
- (2) Taking the topic of human rights as the context, the teams should prepare a defense of one side in each of these oppositions.
 - (3) Team should select one member as spokesman for a television panel show.
 - (4) Another student will be selected or volunteer to be the moderator.
 - (5) One representative from each side of the opposites will sit at a table with the moderator in the manner of a television panel discussion, and answer the moderator's questions about human rights in that country.
 - (6) Shift moderators for each topic.
 - (7) After each interview, the panel should be thrown open to the class for questions, but the simulation should be maintained, that is, it should be presumed that this show is on television.
 - (8) If possible, videotape the show.

EVALUATION:

Critique in class discussion 2 replay of the videotape to assess:

- (1) Which side made the most convincing argument for its stand on human rights?
- (2) Did the moderators questions strike to the heart of the matter?
- (3) Did the representative avoid the questions, or did they respond directly?

EXTENSION ACTIVITIES:

A possible alternative is to try this on a smaller scale during the course of the year, rather than isolating it as a human rights exercise.

EXERCISE 20: *Article 13, Universal Declaration of Human Rights*

LEARNING OBJECTIVES:

- (1) To understand the relation between Article 13 of the Universal Declaration and the rest of the document.
- (2) To be able to compare and contrast freedom of movement in the USA, USSR, India, Italy and the Republic of South Africa.

TYPE OF GROUP:

Grade 12 and above.

TIME REQUIRED:

One class period.

MATERIALS:

- (1) Universal Declaration of Human Rights, Reading C, pp. 3-7.
- (2) Materials in this *Handbook*.
- (3) Library resources on Republic of South Africa.

HOW TO PROCEED:

One possible approach to human rights is to select a single article in the Universal Declaration, then compare and contrast the practice of that right in several nations, and in the United States, with which students are already familiar.

Article 13 is a splendid example, for freedom of movement within the USA is subsumed by American students. They may not know that there are restrictions to freedom of movement in several other nations:

- Pass laws in South Africa (students may research this)
 - Internal passport in the Soviet Union (included in this *Handbook*)
 - Preventive Detention in India (see materials in *Handbook*)
 - Internal exile in Italy (materials in *Handbook*)
- To what extent do these practices violate Article 13?

- (1) To launch the lesson, the teacher might ask why students are required to have a pass when they leave the classroom. Is this a violation of their rights? If they were not required to have a pass, would there be any problems created? How would they feel if passes were necessary for travel outside of school? From city to city? From state to state?
- (2) Transition to Article 13 may be made after this discussion, and consideration made of the documents cited above.

EVALUATION:

Students might write essays on movement within the United States if any one of these laws were in force here.

EXTENSION ACTIVITIES:

Seek other examples from other nations.

EXERCISE 21: *Human Rights Victims*

LEARNING OBJECTIVES:

To learn procedures for appraising the practice of human rights in specific nations.

TYPE OF GROUP:

Grades 11-12, undergraduate; adult.

TIME REQUIRED:

Independent.

MATERIALS:

- (1) Chart below (or teacher's adaptation of chart below).
- (2) Newspapers, periodicals, United Nations documents.

HOW TO PROCEED:

Using the attached matrix for organizing research, student teams or individuals should compile specific information on human rights victimization in each of the five nations.

Note: The specific "victim" group may be changed according to circumstances of the time.

Sharing: Each team or individual researchers should summarize results orally according to the organization of the matrix. Questions and answers

should be encouraged. It is not advised that quantification be applied to these matters. Comparisons are dangerous because they cross cultures, so keep the dialog open and as free of judgment as possible.

PROBLEMS TO ANTICIPATE:

Do not allow for grading of results according to victimization. Only grade the quality of student research and reporting.

EVALUATION:

Debriefing session: Ask students whether this exercise has changed their view of human rights violations. What new did they learn? Is there a significant difference between one country and another?

VICTIMIZATION

	Indians in Colombia	Radicals in Italy	Muslims in India	Ibo in Nigeria	Jews in the Soviet Union
Describe status of group					
Rights violated or in jeopardy					
"Official" justification					
Local remedies which have been attempted					
Relief which has been sought through international governmental organizations (UN, etc.) and nongovernmental organizations (Amnesty Int.)					
Response to relief attempts					
Outcome					

EXERCISE 22: *Perspectives on Rights Simulation: Optates, Medates, Sublates***LEARNING OBJECTIVES:**

- (1) To learn the difficulty of making judgments on "oppression" of one group by another.
- (2) To learn that cultural context drastically affects behavior with respect to rights and privileges/duties and responsibilities.

TYPE OF GROUP:

Grades 9-12.

TIME REQUIRED:

Two class periods plus preparation.

MATERIALS:

Role-playing items on the following pages.

HOW TO PROCEED:

Day 1

- (1) Break the class into three groups, as follows:

Optates: 10% of the class

Medates: 45%

Sublates: 45%

- (2) Pass out role-models photocopied from sheets O, M, and S to each group. Do not permit the group to see the other groups' role-models; they are "secret."
- (3) Provide ample space and privacy for each group to build itself up for role-playing. Note that the role-model sheets raise some questions the group must resolve *before* the simulation.
- (4) Reassemble the class in the following format: Op-

tates are seated behind a table with the Medates seated on chairs on their right, the Sublates seated on the floor on their left.

- (5) Simulation proceeds as expected. Allow decision to be made on the issue.

Day 2

- (1) Announce: "The new Constitution of this country requires democratic institutions at the village level. The new village council is composed of one Optate, two Medates and two Sublates. Because the village has been unable to offer clear election results, the Government has appointed the following to the council." Then announce your choice of the representatives on the village council.
- (2) Ask the new council to reconsider the question of admission of Sublate children, boys and girls.
- (3) Allow no more than 30 minutes for the simulation. Ask for a decision.
- (4) Debrief the class. Discuss what was learned about interdependent rights and duties, about social structure and its effect on rights and status. Ask:
 - Are rights and status the same?
 - Can you define "oppression"?

PROBLEMS TO ANTICIPATE:

Kids tend to get very noisy. Be sure you've notified nearby classrooms that this will happen and ask their indulgence—or hold the simulation where noise doesn't matter. Time will fly. Teacher must keep movement going, tie up simulation in no more than 30 minutes (20 is even better).

EVALUATION:

Have students study the India and Colombia materials in this *Handbook* and write a paper on "Oppression and Human Rights."

EXTENSION ACTIVITIES:

Construct a similar simulation for key epochs of other nations: the South before the Civil War; Indians in Colombia; Ibos in Nigeria; Soviet Union before 1917, etc.

EXERCISE 23: *Liberty Versus Security*

LEARNING OBJECTIVES:

- (1) To learn that there may be trade-offs for securing liberty; trade-offs of liberty to enjoy security.
- (2) To learn to understand possible trade-offs in their historical and cultural contexts.

TYPE OF GROUP:

Grade 12 and above.

TIME REQUIRED:

One class period plus preparation.

MATERIALS:

- (1) Country materials in this *Handbook*.
- (2) Research resources in Library, especially newspaper files.

HOW TO PROCEED:

- (1) Announce topic by discussing the balances between freedom and security in the United States. Announce that there will be a class discussion on Liberty versus Security at a certain time.
- (2) Divide the class into ten groups. Five groups will argue for Liberty above Security, five will argue for Security above Liberty. One pair of these pro-con groups should be assigned to each of the five nations in this study (You may wish to add a sixth pair concentrating on the United States or some other nation you are studying).
- (3) Have each group pursue research on the relation of Liberty versus Security in a particular nation, return to class with an oral presentation ready to be given, sustaining its point of view.
- (4) Select from the pairs for a presentation not to take over 30 minutes. Spend the remainder of the class hour discussing:
 - What are the trade-offs which have emerged from the research?
 - Are there trade-offs which are similar in different countries?
 - Is there any way of resolving this question in general terms for the future? in all countries alike?

PROBLEMS TO ANTICIPATE:

Inadequate research, sloppy presentations, excessively long presentations.

EVALUATION:

Choose from among the discussion questions an essay topic. Grade the essays.

EXTENSIONS:

Extend to other nations you would like to consider. Extend back into history to other times when liberty and security were balanced in a self-conscious manner by cultures or nations.

EXERCISE 24: *Guess the Constitution*

LEARNING OBJECTIVES:

To understand how cultural differences affect a people's view of its own and its government's responsibilities and rights.

TYPE OF GROUP:

Grades 9-12.

TIME REQUIRED:

30-45 minutes.

MATERIALS:

Readings 1, 16, 34, 44, 59.

HOW TO PROCEED:

This is a two-stage exercise:

- (1) Select a group of students to select articles from the five constitutions included in the *Handbook*, the U.S. Constitution and the U.N. Universal Declaration of Human Rights (Reading C, pp. 3-

Sheet O
OPTATE

You are the "twice-born"—automatically. You are the preservers of the historic tradition which you do not question. You have been on top for 3,000 years, even though you have not served as kings or princes, for you have been the powers behind the throne at the top and you have dominated the village councils on the bottom, where you do take an active role. You read and write, and indeed your group has written all the treatises on law and government and justice of this rich cultural tradition.

Your education has been mixed. Many of your group studied at the feet of learned religious masters drawn from special little groups of Optates. No one from another class or group studied with these masters, only Optates. But in recent generations, because you could read and write, you learned the language of the European conqueror and read his books and studied his treatises. You knew about John Locke, Tom Paine, Thomas Jefferson, Jeremy Bentham, the English, American, French and Russian Revolutions. You have read John Stuart Mill's *On Liberty* at the universities established by the foreigner in your land. The Optates, many of whom are trained lawyers, were instrumental in drafting the new Constitution with its fundamental human rights provisions.

Whenever your group votes in national elections, however, you vote for another Optate. Most of your village group has joined the regional Association for the Revival of Customs, Arts, Ideas and Courtesies (or ARCHAIC, for short). A splinter fringe of ARCHAIC trains in the use of arms and rigorously fights against foreign ideas and ideas of other religions (the former conqueror's in particular). You see no incompatibility between your professed democratic ideals and the customs valued by ARCHAIC.

Optates have always dominated the village council. There are no Medates or Sublates on the Council. The very idea is unthinkable. The council works extremely well to resolve any potential conflicts in the village by referring to tradition for the answers. In this way, each class knows its own place and the peace is kept.

Optates hold the land, but do not farm it as farming may dirty the hands. You have given it to Medates to farm, in return for which you automatically receive a fixed share of the annual harvest. Over the years, you have been able to convert some of this share into money and you have been able to lend the money to some of the farmers who need it for improvements or for the marriages of their daughters.

With the Medates, you converse and negotiate almost daily. You will not sit down to eat with them,

and you certainly would never take water from the hands of one of them, for their hands are dirty and they are otherwise uncouth. The Medates are coarse, loud-mouthed and vulgar. What makes Medates laugh so much? Don't they know smiles are only for the intimate family? They are always overbearing and culturally offensive. You do not believe that their children should go to school, for their lives will be worked out on the farms, and what need do they have of it? But you do recognize that modern agricultural techniques may require some reading and arithmetic, so you are reluctantly willing for some of their boys to enter the new school in the village which the council is opening next month.

You do one other thing for Medates: you help arrange the marriages and perform all of the religious rituals of life and during the year. You usually receive a bag of grain for these services, at harvest time.

The Sublates you will speak to only to give an order. If possible, you will speak to them through a Medate. You share the village well with the Medates, for they helped dig it and line it with stone generations ago, but Sublates have to draw from their own well, whose water is nowhere nearly as sweet as yours. To touch a Sublate requires a thorough ritual bath to cleanse both body and spirit. Even the shadow of a Sublate falling on you requires purification (although it's easy to say a quick prayer these days). A Sublate will never speak to you. If one does, you don't hear it. You will, however, give a gift of grain and perhaps cooking oil to the Sublates who clean your house and carry out your garbage, leaving it in a place where the Sublates will know it is for them.

You are determined not to let the Sublates send their children to the new school. They don't need education do they? Their presence in the school will make it impossible for Optate children to remain pure. If Sublate children are there, then how long before a Sublate teacher follows? God forbid! But you think that perhaps the Medates will support the Sublate request that the children of Sublates attend the school as they always speak for Sublates at council meetings. You wish to prevent it by referring to the precedents against it which are so rich in the tradition.

QUESTION: How should you Optates and the village council respond if the Medates raise the question of Sublate children attending the school? What decision will the council make?

(NOTE: Before starting the simulation, please elect five males to serve as village elders, and they should choose one of themselves as the chief or headman. Women have no place in village council matters, and know their place.)

Sheet M

MEDATE

You are basically a farmer, whether male or female. If you're male, you do the heavy work behind the ox-drawn plow and join the women at other tasks on the farm. If you're female, you work with the men on the farm, prepare all the meals and raise the children. You take care of the old folks, though your husband's mother or granny usually helps out with singing the ancient songs to the little children as they fall asleep. If you're a child, you begin work at three or four years of age shepherding or cowherding. When you're old enough, you go to work on the fields cultivating the grain and vegetables.

The land which you work but which really belongs to the Optates who dominate the village used to be fickle, giving a good harvest after the rains one year, withering and dying another year for lack of rain. In the last five years, however, with Government assistance, the Medate farms in your village have had water from a new tube well, pumped by a new electric pump which gets current from a new diesel electric generator. This has allowed Medate farms to produce far more than the families could eat themselves, so Medates have been able to buy motor scooters, watches, transistor radios, a couple of tractors and even one car. You would like to keep the increase in crops going and you'd like to cut down the Optates' "rent" which is a share of the harvest which has been fixed by tradition. In view of the fact that much of the capital for the new well came from loans from village Optates, at very high interest rates, you would like to square what you see as a very serious economic imbalance in favor of the Optates.

On the other hand, it is important that the cultivation of land for each family depends on the family having enough heirs to farm it. So good marriages are essential, and the Optates' help is necessary, not only in finding a good wife, but in making sure the stars are right for the marriage and that the gods bless it and make it prosper.

You don't like the way the Optates never smile. You have never seen an Optate smile in public. Medates like you love to talk and you generally talk very loudly and enthusiastically. There's a lot of laughter in your group, and when someone says something that is funny, you have a practice of slapping your right thigh loudly. You speak to the Optates respectfully, although loudly, but you are not above sneaking some sly remarks into your conversations with

Optates that tease them even at council meetings. For some reason, this always seems to surprise them and make them impatient with you, but you go ahead anyhow because afterwards other Medates will congratulate you on your humor.

When you vote in the new national elections, you vote for the biggest party. You know that the local party representatives are all Optates and you have a feeling that the national government is dominated by Optates, but you follow the crowd in supporting them. You don't really know what democracy is, but you have a pretty shrewd idea of how to get the Optate to do what you want by somehow threatening the Optate's power. Why is it they get so upset when you say you're going to vote for the other party? Why is it they get so upset when you say you're going to run for village council the next election? You don't know the answers, but it's great fun trying.

Now on this issue of the Sublates' kids going to the new school: Won't it be fun to see how the Optates squirm when you speak for the Sublates? Medates want their boys to go to school, so they can learn to be better farmers, but you don't see why the Sublates or Medate girls would bother. Yet it is your traditional duty to speak for Sublates at village council meetings.

The Sublates make your harnesses and the shoes you wear when you go to market in town. They also carry out our slop, garbage and sweepings. They build the funeral pyres for the dead at the time of your grief, and that's hot, heavy, hard work. They have worked longer hours in recent years after the new seeds and fertilizers made it necessary for more hands to work. And you give them an extra share of those good harvests. They come work on your fields when you need help sowing seed or harvesting grain. They do the work they are expected to do and they get a share of the harvest as they expect you to give them.

But you don't like them. You tend to ignore Sublates, therefore, in almost everything you do. Even in village council meetings on the village square, you glare at Sublates when they titter or move around. None of them has yet spoken up at a council meeting, because they depend on you to speak for them and none of them, hopefully, would dare. Medates will speak for them now as they have in the past.

QUESTION: What position should Medates take when the Sublates ask them to speak for Sublate kids going to the new school? What do you do when the Optates oppose it?

SUBLATE

You do specialized work in the village. Everyone else is a farmer or a priest. No one else skins cattle for leather or makes it up into useful objects such as shoes or harnesses. No one else would want to carry the wood or build a funeral pyre for the dead in the heat of summer and at the time of their sadness. No one else sweeps out the houses, carries out the slop and the garbage. No one else collects the cow dung from the barn-rooms in the houses or from the fields and streets and makes it up with straw into fuel cakes for the cooking fires.

You know the village would not work without you Sublates there to make it work. The Optates' houses would grow dirty—they can't stand dirt for some reason—and the Medates' crops would never get planted or harvested without Sublate labor.

The family and clan take care of you if you get sick. Old age is a time of family love and care. There is no unemployment, but there are times when there seems to be more time than work. But you don't get paid by the hour, but by the year. You have the Optate and Medate families that will share their harvest with you, and you can rely on the share to stay the same for generation after generation as it has stayed since the gods walked on earth. When the harvest is bad, you suffer, but then so does everyone else in the other classes. When the harvest is good, you all prosper.

When conflict breaks out in the village (usually over division of the land or over women), you can be certain that justice will be swift and that it will be made according to tradition, for the village council recognizes that a peaceful village is necessary to the survival of all. All the other Sublates will help you if the council asks for testimony, just as the other groups will support each other. The Medates always speak for you when the council meets, but they know what you want to say for you tell them beforehand and listen to them when they present your case. It's only when you have a dispute with Medates that things get confused, for usually the Medates depend on you for your labor and can't really stand against your interests and still get work out of you.

You do not usually speak in the presence of other groups. You never speak to an Optate under any cir-

cumstances. But a Central Government extension worker has been in the Sublate part of village recently (and he's a Sublate, so you know him) and he has said some things to you that make you want to speak up in the next village council meeting.

He said that Sublates aren't getting enough calories, vitamins and protein in their food—things you don't understand but you believe the educated Sublate. He told you that you should also live on the high ground, so your children would be able to live beyond the first few years. That would give you Sublates those big families—the most comfortable thing in the world you can think of: a big family—that the Optates and Medates enjoy.

He also told you that you should speak up and claim your rights to free education for your children. He even told you that the Government's laws made elementary education *compulsory*, so not only should you claim the right to education, it is your duty to educate your children. Your kids *have* to go to school! You're not really sure about all this, but you think you might ask a medate to speak for you on this at the next village council meeting. The Extension worker said that you should speak up for yourselves at the meeting. But you will wait to see if the Medates will speak for you.

What you do not wish to do under any circumstances is to endanger the share of the crop you have been getting these last few prosperous years. You've never had so much to eat, the crop has been so good. With the new seeds and fertilizers the Medates are using, they need more labor on the farms and have even slipped in a little extra share for the extra work. You've been able to sell some of that and that allowed you to buy some nicer material for your wives to wear in their dresses. That makes them like you better and makes the whole village look nicer.

And what when hard times come again, as they used to for centuries and surely will again? What if the gods get angry at your talking to an Optate? What if the Medates will no longer speak for you if you speak for yourselves? Then who will protect you?

QUESTION: How should you brief the Medates as you sit down for the council meeting? Should you speak for yourselves for a change? What should you do if the Optates and Medates gang up against you?

Continued from page 174.

- 7), according to how "different" the articles are both from each other. These selections should be prepared for copying without notation or reference to the country from whose constitution it is taken.

- (2) While assigning the original group to another exercise, the rest of the class would proceed as follows:

Inform students that the constitutions in question are from the following 6 nations: Italy, India, the USSR, Colombia, Nigeria, and a mystery nation. Have them read the selections from the constitutions (or break them up into groups and have each group read a section) and form an opinion as to the source country of the selections. Encourage them to consider more than "giveaway" words such as *socialist* or *caste*, but to look deeper into the values behind them and the concomitant rights and responsibilities of citizen and government alike.

Questions for Discussion:

Why do you think X Constitution belongs to Y country?

Substantiate with examples, facts for your deduction.

Is this a highly centralized government? How can you tell?

Are there any disadvantaged groups which receive special attention or treatment in these constitutions?

Does the state reserve the right to infringe on personal liberties in times of crisis? If so, do you feel that this is justified?

PROBLEMS TO ANTICIPATE:

Students will see and think no further than the above-mentioned giveaway words.

EXERCISE 25: *Investigation of Human Rights Violations*

LEARNING OBJECTIVES:

- (1) To learn that human rights practices are influenced by cultural and political contexts.
- (2) To learn how to apply general human rights principles to specific nations.

TYPE OF GROUP:

Grades 9-12.

TIME REQUIRED:

Varies

MATERIALS:

- (1) Materials in this *Handbook*.
- (2) Library resources on the five nations, on international human rights groups.
- (3) With the reporters serving as an audience, the investigatory team queries the officials about hu-

man rights violations (as they interpret them) in the country. Officials respond as defensively as possible. Audience takes notes.

- (4) Now have the reporters interview the investigatory team, with the officials as audience. Audience takes notes.
- (5) Finally, have the reporters interview the officials, with the team as audience. Audience takes notes.
- (6) Each group writes up a report of the investigation from its own perspective.
- (7) Class discusses what were the dynamics of the confrontation. What did this tell about human rights definitions? practices? procedures for protection of human rights? the role of the media in interpreting complex international events?

EVALUATION:

Contained in written reports and in class discussion.

EXTENSIONS:

Apply to other nations, other times of history (Caligula's Rome, Peter's Russia, Elizabeth I's England, British India, Spanish Latin America, etc.)

EXERCISE 26: *Human Rights Behavior in School*

LEARNING OBJECTIVES:

- (1) To practice human rights in the school.
- (2) To evaluate human rights attitudes by observing respect for human rights in behavior.

TYPE OF GROUP:

Any school: Some parts are possible for a single class to carry out.

TIME REQUIRED:

One month.

MATERIALS:

None.

HOW TO PROCEED:

This exercise is designed for school-wide application, but it can be developed by a single class as a sub-exercise in human rights.

- (1) Ascertain the rights and duties of students within the school.
- (2) List them.
- (3) Through student government and school administration, obtain endorsement of these rights if such endorsement does not already exist.
- (4) If procedures for the protection of rights exist already, then it is necessary that those procedures be publicized. This may be done through public hearings and trials in which student rights have been impinged upon. If the administration will not agree to this, then it should be possible to stage "moot court" or "mock trial" sessions before

the whole school body or before those classes which are studying human rights.

- (5) Each student should be provided with a list of student rights and responsibilities.
- (6) Each teacher and administrator in the school should be provided with a list of student rights and responsibilities.
- (7) Invite the student government from another school to engage in a panel discussion of student rights and responsibilities, comparing and contrasting them.
- (8) Seek lists of student rights and responsibilities from student government organizations in the state or in the USA. Compare them with your school's student rights and responsibilities. Work to change the ones which seem the most limiting on human freedoms, working within the procedures established for change.

EVALUATION:

Feedback.

Discipline in the school.

EXTENSION ACTIVITIES:

Extend the activity to the local community.

EXERCISE 27: *Debate, With Topics*

LEARNING OBJECTIVES:

- (1) To learn how to organize and stage a formal debate on an issue which has no clear right or wrong position.
- (2) To learn how to research a debate topic.
- (3) To learn how to work in a group to prepare a debate which argues convincingly one side of a complex issue.
- (4) To learn that some topics do not yield simple descriptions.

TYPE OF GROUP:

Grades 9-12.

TIME REQUIRED:

Preparation plus 1 class period.

MATERIALS:

- (1) Library and textbook resources.
- (2) Resources found in this *Handbook*.

HOW TO PROCEED:

Acquire from your school's debate team coach or team member the handbook used in the school's debating league. If your school does not participate, it may be possible to get assistance from the American School Forensic League. Debates arranged according to the established procedures tend to be more effective than ad hoc arrangements. If you cannot get such help, here are some suggestions:

- (1) Two teams of three members each:
 - One presenter
 - One rebutter
 - One researcher
- (2) One moderator and/or time keeper.
- (3) Select with the class a debate topic from the list that follows, or make up your own. Be sure that the topic is not a clear-cut statement of an unequivocal truth, but offers equal opportunity for both sides.
- (4) Allow a week for preparation, while the remainder of the class does another activity. One possible activity is for students to research and write short papers on one of the debate topics.
- (5) Present the debate, if possible, to the whole school, or at least to the whole class. *Allow no less than 30 minutes for the debate*, although the following time limits are required: Presentation and rebuttal each of no more than 5 minutes. The other 10 minutes will be eaten up in moderator's introductions, and necessary movement.
- (6) The group which is in the audience should be asked to vote on which side presented the most effective case, but it may also be possible for there to be a panel of three judges. If judges are used, then each judge should give a statement of no more than three minutes on why he or she voted as he or she did. See Debate Form which follows.

Topics

Human rights are universal and immutable.

Human rights pertain to the individual, not to the group.

Human rights are an example of American moral imperialism.

Human rights are more important than human life. There is no difference between "abstract" human rights and "real" human rights.

Economic and social rights are identical and do not conflict.

Human rights are guaranteed by the State.

War for the protection of human rights is just.

The U.S. Constitution will work equally well anywhere else.

The right to property is fundamental to humanity.

Human rights include the Right to Freedom from Error.

Human rights exist above and beyond the historical and cultural context of a single nation.

Some human rights are more fundamental than others.

Protection of human rights justifies the interference by one group (nation) in the affairs of another.

Human rights cannot be enforced in a one-party state.

Human rights without the sanction of religion are meaningless.

Democracy will not permit the protection of minority rights.
 Only affluent nations can afford human rights.
 Economic development must precede establishment of human rights.
 Human rights are more soundly protected under a paternalistic government than in a democracy.

Sample Ballot

BALLOT										
PRO						CON				
1	2	3	4	5		1	2	3	4	5
					Analysis					
					Reasoning					
					Evidence					
					Organization					
					Refutation					
					Presentation					

Check the column on each item which, on the following scale, best describes your evaluation of the speaker's effectiveness.

- 1-Poor
 2-Fair
 3-Average
 4-Excellent

EXERCISE 28: *Victims and Remedies*

LEARNING OBJECTIVES:

- (1) To learn how to define human rights by outlining possible "violations."
- (2) To learn what are the constraints on remedying human rights violations in five nations.
- (3) To learn some of the complexities and political tradeoffs involved in providing remedies from outside or above the national government.
- (4) To learn how to state a case clearly.
- (5) To learn to work in groups.

TYPE OF GROUP:

Grades 9-12.

TIME REQUIRED:

Preparation plus class period

MATERIALS:

Pencil and paper.

HOW TO PROCEED:

- (1) Each student writes a letter complaining of human rights violation to an international governmental organization (e.g. UN, UNESCO, etc.) or a nongovernmental organization. The student must be the victim of a human rights violation. Letter should contain:
 - (a) I am a citizen of _____ (country).
 - (b) I am a victim of human rights violations as

follows (outline the specific right violated and how this violation has made you a victim):

- (c) I have already sought remedy in my own country by:
 - (d) The response I have received has been:
 - (e) That response is clearly inadequate to relieve me:
 - (f) I am now writing to your organization because it offers (list what the specific organization may offer by way of relief):
- (2) Divide the class into groups representing various organizations receiving the letters. Distribute the letters to the groups for response. NOTE: Be sure that no student is in the group that must respond to her or his letter.
 - (3) Groups write letters responding specifically to the letter from the victim.

EVALUATION:

Ask: What has had to be learned in order to be able to write the letter and the answer? Ask each student to make a list of learning procedures which had to be followed to be able to carry out this exercise.

EXERCISE 29: *Human Rights in Italy, A Comparative Evaluation*

LEARNING OBJECTIVES:

- (1) To show how student interactions are manifestations of the denial or practice of human rights.
- (2) To learn that conflict in a community or nation may be a manifestation of the extent to which human rights are practiced or denied.

TYPE OF GROUP:

Grade 12 and above.

TIME REQUIRED:

2 or 3 class periods.

MATERIALS:

- (1) Reading 34.
- (2) Readings 34 through 42.
- (3) Books and articles in library on Italy.

HOW TO PROCEED:

- (1) In traditional manner, have students locate and read materials on political conditions in Italy. Have students report, or teacher makes a report, on the role of political parties in Italy and in the USA, comparing and contrasting their organization, objectives, operations. Wherever possible, human rights implications should be highlighted.
- (2) Two student volunteers make presentations to the class, one of whom role-plays an Italian policeman, the other an American policeman.

- The presentation should be along the lines of such presentations in schools by local police officers.
- The presenter should attempt to depict the police officer as the protector of human rights.
- The presenter should face up to the problems that exist in his or her country which the police are apparently unable to resolve, such as violence or terrorism, violations of human and political rights.

Students should ask the questions they would ask if the presenter were in fact a police officer from Italy or the USA.

- (3) Role playing by the entire class:
- (a) Political party representatives (select a range of parties from right to left).
 - (b) Government bureaucrats.
 - (c) Police officers (Note: there are two or three different types of police in Italy as there are in the USA, but they do not directly equate with FBI, State Police and local police.)
 - (d) Terrorists of both left and right.
 - (e) Citizens who have been physically or politically injured by violations of rights.

Purpose: To highlight and subsequently analyze the cleavages which exist in Italian society and the intolerances that such cleavages have fostered, the response the public officials and parties are able or not able to give to these problems.

EVALUATION:

Have students write an evaluation of the role-playing which not only must point out the major learnings, but must appraise the quality of the "performance."

EXTENSION ACTIVITIES:

Practice makes perfect: try the same routine with respect to another nation.

EXERCISE 30: *Political Instability and Human Rights in Italy*

LEARNING OBJECTIVES:

- (1) To learn that official written documents, including Constitutions, are not always guarantees of human rights.
- (2) To learn techniques for analyzing human rights issues in a particular nation.
- (3) To learn that human rights are threatened by political instability.

TYPE OF GROUP:

Grades 10-12.

TIME REQUIRED:

One class period plus preparation.

MATERIALS:

Readings 36, 38, 39.

HOW TO PROCEED:

- (1) Students read Reading 36. Students may perceive in this that the number of political parties, the regionalism, the individualistic proclivities of Italians and the evidence of political terrorism all suggest a pervasive instability. If students do not perceive this, lead it out.
- (2) Students should then read articles cited above.
- (3) Pause to develop vocabulary of human rights.
- (4) Discuss articles.

EVALUATION:

Students should write "Agree-Disagree" essays on one of the following topics:

- (1) Terrorist actions necessitate government suppression of human rights.
- (2) Constitutions do not always guarantee human rights.
- (3) Amnesty International should not be necessary.
- (4) Human rights are guaranteed only by political stability.
- (5) The Italian people are not concerned about human rights.

EXERCISE 31: *Youth In Nigeria*

LEARNING OBJECTIVES:

- (1) To learn to draw inferences from selected materials.
- (2) To appreciate the needs and aspirations of the young from another culture.
- (3) To develop an understanding of human rights among teenagers in one nation.

TYPE OF GROUP:

Grades 9-12.

TIME REQUIRED:

Preparation plus 1 class period.

MATERIALS:

- (1) Reading 43 through 58.
- (2) Alternatively:
 - Film: *Nigeria* (2 parts) Contact BOCES, Yorktown, NY
 - Mark and Virginia DeLancey, *Tinkering with School* (Center for International Studies, Duke University, Durham, NC 27706, \$1.95)
 - Chinua Achebe, *Things Fall Apart, No Longer at Ease, Sorrow of God, or Man of the People* (Fawcett Paperbacks, Greenwich, CT)
 - *African Writers Series* titles by Cyprian Ekwensi or Wole Soyinka (Heinemann Educational Books, 4 Front St., Exeter, NH 03833)
 - Guy Arnold, *Modern Nigeria* (Longmans, Green, London, 1977)
- (3) Research materials in library.

HOW TO PROCEED:

- (1) Have students prepare a written or oral presentation on "Looking for Work," based upon their own experiences or those of teenagers they know.
 - How do you look for a job?
 - Do you use your relatives? are they useful?
 - What legal obstacles did you encounter?
 - Should the Government help young people looking for work?
 - Are you entitled to a job?
 - Should you be forced to postpone a job to finish your education?

- (2) Have students read or view one or more of the materials suggested above.

- (3) Have students prepare in a systematic fashion a chart comparing their own experience with a typical Nigerian teenager's experience.

Chart may be in any manner the students choose, but should be based upon the principles of chart-making that are generally accepted in the social sciences.

- (4) Conduct classroom debate on:

"Resolved: The life of a Nigerian teenager is more enjoyable than the life of an American teenager."

PROBLEMS TO ANTICIPATE:

Failure to acquire necessary adjunct material resources.

EVALUATION:

Prepare an attitudinal questionnaire for pretest-posttest use (see Chapter Four for suggestions).

EXTENSIONS:

Apply to other contemporary nations, to historical situations.

EXERCISE 32: Human Rights in Nigeria**LEARNING OBJECTIVES:**

- (1) To understand the problems of protecting political rights in a developing nation.
- (2) To learn how to use libraries, human resources and non-print materials in studying developing countries.
- (3) To understand that the problem of human rights is a concern of all societies.

TYPE OF GROUP:

Grade 12 and above.

TIME REQUIRED:

1 or 2 class periods.

MATERIALS:

- (1) Select a film on Nigeria from Film section of Media Bibliography or other source.
- (2) Library resources, including *Statesman's Yearbook*, *Reader's Guide*, *New York Times Index*.
- (3) Readings 43 through 58.

HOW TO PROCEED:

- (1) Select a film. Preview it. Prepare a questionnaire on political rights in Nigeria in the context of the film. Questionnaire may also serve as a research guide to serve students as they try to locate materials on Nigeria in the library.
- (2) Students should pursue research in school and public libraries, local college or university library (arrange permission for this, if at all possible). Using the reference resources, students should identify articles and books which will provide information on social and political rights in Nigeria.
- (3) Show the film. The film may inspire fresh visions for research possibilities. Try to draw out research areas on political rights which the film suggests.
- (4) Arrange for the class to meet with a Nigerian or another person who is personally knowledgeable about Nigerian political conditions. Prior to the visit, the teacher should discuss with students how to frame which will yield productive answers without offending the guest.
- (5) Play Nigerian Highlife or Reggae records which frequently reflect political opposition or aspiration.
- (6) Conclude with a Nigerian meal, not as a taste sensation as much as a lesson in social organization: who grows the food, where; who prepares the food, how; how are rights to the land determined, by whom; how do rights to land affect human rights in Nigeria. Then: *bon appetit!*

PROBLEMS TO ANTICIPATE:

Inability to acquire satisfactory film for showing. Skip the film if this happens.

EVALUATION:

Test:

Student ability to identify political aspects of human rights.

Ability to apply facts to particular situations.

Ability to solve problems in human rights through skilful approach and process.

EXTENSION ACTIVITIES:

Develop parallel lessons for other nations.

EXERCISE 33: State of Siege**LEARNING OBJECTIVES:**

- (1) To learn how to make judicious comparisons on governmental response to crime and violence between two nations.
- (2) To learn how to present both pro and con arguments for a particular statute with which the student may not agree.

- (3) To develop an appreciation for the complexities of the human rights "issue".

TYPE OF GROUP:

Grade 12 and above.

TIME REQUIRED:

Open.

MATERIALS:

- (1) *Human Rights Directory*. 1979. Human Rights Internet. List of human rights organizations with special interest in Latin America, including Amnesty International, USA; Inter-American Committee on Human Rights, Organization of American States; Inter-American Association for Democratic Freedom; Inter-American Foundation; Latin American Documentation Center; Tucson Committee for Human Rights in Latin America.
- (2) *Country Reports on Human Rights Practices for 1979*, U.S. Department of State (see Bibliography).
- (3) *Conscience and Human Rights. An Amnesty International Curriculum* (see Bibliography).
- (4) Readings 1, 2, 6, 7, 11, 12, 13, 14, 15.

HOW TO PROCEED:

This exercise is a mock legislature procedure:

- (1) Students read the materials on the Colombian Constitution and the state of siege which was established there, and the reasons given for proclaiming the state of siege.
- (2) Organize a mock United States Congressional committee or a simulation of your own like it, adjusted to meet the size of your class and time available.
 - (a) Student volunteers, working in small groups, prepare a case for proclaiming a state of siege to meet the growing pressure of violence and crime, as well as a case against the siege and as many other positions as may emerge from class discussion.
 - (b) Students serve as committee members, questioning witnesses, and eventually voting to recommend a course of action which will respond to growing violence and crime.
- (3) Debrief student participants by ascertaining from them what was learned through this exercise about political process in the US and in Colombia and the differences both in Constitutions and in Human Rights perspectives.

EVALUATION:

As in Step 3.

EXERCISE 34: We the Indian People (of Colombia)

LEARNING OBJECTIVES:

- (1) To understand oppression and what it means to the oppressed.

- (2) To plan solutions to oppression in other nations.

TYPE OF GROUP:

Grade 12 and above.

TIME REQUIRED:

One class period plus preparation.

MATERIALS:

- (1) Reading 3.
- (2) Reading 9.

HOW TO PROCEED:

- (1) Distribute two different badges to two groups of students.
- (2) Treat with deference one group, treat with a measured level of intolerance the other group.
- (3) Continue until the protests from the class become specific and overt.
- (4) Discuss how the groups feel about themselves, about the other group, about how they have been treated.
Discuss concepts of "ins," "outs," "scapegoats."
- (5) Introduce articles cited above, with vocabulary guide, if needed.
- (6) As guidance for reading, ask the following questions:
 - Who are the Indian people?
 - What problems are the Indian people experiencing?
 - What human rights do they *feel* deprived of? Do all of them feel deprived? How would you find out about the other Indians and how they feel?
 - What group is making the problem the Indians are protesting?
 - How can we find out more about Indians of Colombia? of the Americas?
 - (a) Where can we find unbiased information?
 - (b) Where can we find biased information from the other side? other sides?
 - (c) Who can we find who has had first-hand experience in Colombia?
- (7) Discuss various solutions to the problems identified by the Indians.
 - How did we handle the *symptoms* of oppression in class? (And be sure to discuss the fact that your exercise with the badges only treated the symptoms and not the illness: discrimination of this kind treats the "accidents" and not the "substance" of race relations.)
 - How would you identify "oppression" in the United States?
 - How do we treat oppression when we find it in the United States?
 - How can Colombians treat oppression within their system?
 - What are the differences in responding to oppression in the US and Colombia?

PROBLEMS TO ANTICIPATE

"Oppression" is heavily laden with cultural connotation. What on film seems logical—the Indians as the bad guys and the white men as good guys—is oppression to the American Indians today. What is oppression to one group may not be to another. Personal and cultural perspectives are different. A teacher who does not step very carefully around this one, helping the students to understand that what is one person's soup is another person's poison, will simply be reinforcing preconceptions that we are the good guys and they are the bad.

EVALUATION

Have students write a brief essay on "Oppression."

EXERCISE 35: *Myth and Reality*

LEARNING OBJECTIVES:

- (1) To learn to identify three issues of myth and three of reality within human rights as guaranteed by a State (in this case, India).
- (2) To develop pertinent questions from research materials to use in an interview.

TYPE OF GROUP:

Grades 9-12.

TIME REQUIRED:

Eight class periods.

MATERIALS:

- (1) Readings 16 through 33.
- (2) Library resources, such as magazines, newspapers. (Assistance of a resource specialist would be helpful.) (Assistance of a community resource group or person would be helpful.)

HOW TO PROCEED:

- (1) Divide materials up and distribute to four groups representing:
 - Political leaders
 - Business persons
 - Local panchayat (village council) leaders
 - Members of castes
- (2) Each group will be divided in turn between those who will interview and those who will be interviewed in a role-playing simulation.
- (3) Allow:
 - (a) One class period to explain the procedures.
 - (b) One class period for organization.
 - (c) Two class periods for research and reading.
 - (d) One class period for (1) questionnaire or interview question-writing or (2) anticipating questions from interviewers.
 - (e) Two class periods of presentation/role playing.
 - (f) One class period for evaluation and debriefing.

- (4) Role playing will consist of interviewers (selected as you feel best fits the nature and composition of the class) questioning the groups cited above.
 - Audio- or videotape the interviews.
 - Students not participating are instructed to look for, and write down in notes, any instances of "myth" or "reality" which surface in the interview.
- (5) Debriefing consists of evaluating the exercise as a whole, getting feedback for improving it for future applications.
- (6) Evaluation.

PROBLEMS TO ANTICIPATE:

Students who try to figure the angles may destroy this house of cards before it has been assembled.

EVALUATION:

Write a comparative essay on three myths and three realities of human rights in India. Students may be encouraged to state their opinions or judgments as they perceive them. The teacher should, however, answer these statements in relation to the resource materials without judgment of whether the students' opinions are right or wrong.

EXTENSIONS:

Apply to another culture, another historical era.

EXERCISE 36: *Bonded Labor and Human Rights*

LEARNING OBJECTIVES:

- (1) To understand why many persons are willing to accept and justify violations of the laws which are meant to ensure human rights.
- (2) To learn to express perceptions of human rights which are based upon judgment rather than pre-judgment.

TYPE OF GROUP:

Grade 9.

TIME REQUIRED:

Three class periods plus home assignments.

MATERIALS:

Readings 16 through 33, but especially Reading 16 (Constitution) and Reading 21 A or B (depending upon reading level of class).

HOW TO PROCEED:

- (1) Day 1: Motivation.
 - (a) Hold a class discussion on:
 - (1) Who has a job?
 - (2) Describe wages, working conditions, benefits of job-holders you know.
 - (3) What rights does one have as an employee?
 - (4) What responsibilities does one have as an employee?

- (b) Hand out article and read it aloud. A vocabulary sheet with the following words would be helpful:

insolence	serfdom
political	defiance
activist	imminent
cohorts	usurious
mute	brothels
pauperization	rehabilitate

tribals (In India, groups of unassimilated landless societies, many of which are itinerant, some of which live in and off the forests. In the Constitution, these are labelled "Scheduled Tribes.")

- (2) Day 2: Present the following three statements about India in the year 2000 AD; small groups are to evaluate the possibilities of each happening, giving supporting evidence:
- (a) In the year 2000 Arumugam has a twenty-acre farm and is sending one son to a university.
 - (b) In the year 2000 Arumagam's three sons are paying off their father's debt.
 - (c) India has a Harijan Prime Minister.
- Each student is to write as homework:
- (d) Write your own scenario for the year 2000, using the article you've read.
- (3) Day 3: Small groups report on their evaluations of the Year 2000 scenarios, discussing and collecting responses to the four scenarios. Reference must be made to the Constitution of India.

EVALUATION:

Rate group responses to tasks assigned. Read and grade papers on scenario 4.

EXTENSION ACTIVITIES:

- (1) Use this type of exercise with other violations of human rights in other countries.
- (2) The land-labor issue may be used for comparisons with China and Latin America.

EXERCISE 37: *Religion and Human Rights in the USSR*

LEARNING OBJECTIVES:

- (1) To understand the differences between the theory and practice of human rights in the Soviet Union with respect to religious freedom.
- (2) To create an awareness and concern for the denial of human rights to anyone in any nation.
- (3) To encourage active application of these new understandings in daily life.

TYPE OF GROUP:

Grade 12 and above.

TIME REQUIRED:

One class period.

MATERIALS:

- (1) Reading 59 (especially Art. 1), 68, 69, 70, 78. Also Readings 73 through 77, and the periodical, *The Record* published by B'nai B'rith (See Bibliographies).
- (2) U.S. Constitution (Bill of Rights).
- (3) A. Rusinek, *Like a Song, Like a Dream*.

HOW TO PROCEED:

- (1) Have students write a definition of "treason."
- (2) Have students read the references in the Soviet and American Constitutions to "treason." Compare Article 52 of the Soviet Constitution with the First Amendment to the US Constitution.
- (3) Have students read a dissident's statement from the Soviet Union.
- (4) Discuss the dissident's statement in the context of "treason." Ask:
 - (a) What is your experience with religion, religious instruction and education? Has there been any limit on your practice of your religious beliefs, rituals?
 - (b) Given your own religious beliefs and practices, how do you believe you would fare in the Soviet Union, given the context you have already learned?
- (5) Following this discussion, students should be assigned an overnight paper on one of the following options:
 - (a) Why professing atheism is the best course for a Soviet citizen to follow.
 - (b) Why practising religion in secret is the best course for a Soviet citizen.
 - (c) Why professing religion at the price of being called a dissident is the best course for a Soviet citizen.

PROBLEMS TO ANTICIPATE:

Some students may lose objectivity and become crusaders before they have sufficient knowledge or experience to know fully what they are doing. While crusading for human rights is itself a right, the wise and educated person knows the subject first.

EVALUATION:

Step 4 above may be used for evaluation.

A report, one or two months after this strategy has been used, may be used to assess the active role which students have or have not assumed. See also Exercise 26, Human Rights in the School.

EXTENSION ACTIVITIES:

- (1) Study the Church of Scientology controversy in 1978-79.
- (2) Study the local and state moves to limit the "Moonies"—the Unification Church of the Rev. Sun Yong Moon.
- (3) Study West Virginia *versus* Barnetti.
- (4) Study the internment of Japanese-Americans

during World War II.

- (5) Study the famous "Monkey Trial" in Tennessee.
- (6) Study the issue of abortion in the United States.
- (7) Study the issue of school prayer in the United States.

EXERCISE 38: *The US and the USSR: Rights and Freedoms*

LEARNING OBJECTIVES:

- (1) To actively involve students in analysis of primary and secondary materials.
- (2) To compare the status of human rights in the US and the USSR.
- (3) To gain a deeper understanding of the strengths and weaknesses of each system.

TYPE OF GROUP:

Grades 10-12.

TIME REQUIRED:

Two or three class periods.

MATERIALS:

- (1) Readings 59 through 90.
- (2) Research materials in school or public library.

HOW TO PROCEED:

- (1) Give students copies of:
 - (a) Soviet Constitution (or excerpts concerning political freedoms, and the social and economic security provisions).
 - (b) Excerpts from Leonid Brezhnev's article critical of Western concepts of rights.
 - (c) Short articles and letters from *Soviet Life* magazine.
- (2) Ask students to forget for a moment anything they might know about the Soviet Union and write a paragraph about what it would be like to live there *according to these materials*: What are individual's rights? What benefits do people enjoy?
- (3) Discuss student writings:
 - (a) What American problems would these Soviet documents lead you to believe were cured?
 - (b) What human rights do they have which we in America do not?
- (4) Give students:
 - (a) Excerpts from current articles about Soviet dissenters or your own capsule profiles of some Soviet dissenters.
 - (b) Anecdotes, jokes from the *Handbook*.
 - (c) Brezhnev statement on the dictatorship of the Communist Party in this *Handbook*.
 - (d) Excerpts from the Soviet criminal code, especially the definition of "treason."
 - (e) Articles referring to housing.
 - (f) Trial records.

You can have students write a line or so about

what each says about Soviet life or discuss this topic with them informally.

(5) Discussion:

- (a) How is the view gained from these materials different from your expectations as an American?
- (b) How would the Soviet political system appear to be different from our own?
- (c) How would the Soviet economic system appear to be different from our own?
- (6) With the class, go back over the original materials. How can students explain the differences between what is in the first set of articles and what is in the second set?
- (7) Conduct a general discussion of which system—US or USSR—offers more freedom, or more security.

EXERCISE 39: *Women's Rights in the Soviet Union*

LEARNING OBJECTIVES:

- (1) To learn what rights women enjoy in the Soviet Union under the Constitution.
- (2) To learn what effective rights may be practiced by women in Soviet society.
- (3) To learn how to use library resources for research.
- (4) To learn how to organize a debate.

TYPE OF GROUP:

Grades 10-12.

TIME REQUIRED:

Five days.

MATERIALS:

- (1) Readings 59, 82, 83, 84.
- (2) Library resources.

HOW TO PROCEED:

- (1) Students should read the Soviet Constitution and the articles cited above. List the specific changes on the status of women's rights and conditions in Soviet society against *either*:
 - (a) status of women in Russia before 1917.
 - (b) status of women in selected Western European nations.
 - (c) status of women in USA in 1917 and 1980.
- (2) Assign a student moderator for a debate.
- (3) Arrange for a debate in the following sequence:
 - (a) Lead students through a lesson on how to use library reference resources.
 - (b) With student participation, select a debate topic on women's rights, such as: *Resolved: Women in the Soviet Union are Unliberated. Soviet Women Enjoy More Rights than Women in _____.*
Soviet Women Do Not Need to be Liberated.

- (c) Break the class into two debate groups, one audience group. Debate groups limited to 5 students each side.
- (d) Hold the debate, with audience group voting on two issues:
 - (1) Which side presented its case the most effectively (use American Forensic Assn. rules, if desired).
 - (2) Which case is the most valid, irrespective of the arguments.
- (4) Audience group will prepare a letter to the editor of *Pravda* and to the *New York Times* or west European paper, either proving that Women's Rights in USSR are superior to those in the US or a western European nation, or condemning them as inferior (This part of the strategy may be used for the entire class, but it does offer an assignment for those who are not participating in the debate).

PROBLEMS TO ANTICIPATE:

Inadequate library resources to substantiate the debate group research.

EVALUATION:

Evaluation of the debate provided by audience group. Evaluation of letters to the editor similar to grading written work on other topics.

EXTENSION ACTIVITIES:

Read Hedrick Smith, *The Russians*.

EXERCISE 40: *Evaluating Soviet Human Rights*

LEARNING OBJECTIVES:

- (1) To learn critical reading skills with reference to original source documents.
- (2) To be able to relate the ideals of a national constitution (the USSR) to the practice of human rights in that nation.

TYPE OF GROUP:

Grades 10-12.

TIME REQUIRED:

3-4 class periods.

MATERIALS:

Readings 59, 62, 69, 86.

HOW TO PROCEED:

- (1) Provide students with the Soviet Constitution and relevant portions of the Soviet criminal code.
- (2) Have students read these and list those provisions which deal with human rights. This is an individual activity.
- (3) Provide students with Reading 69 and 86. Break into smaller groups to discuss:
 - (a) With respect to Reading 69, identify the reasons why prisoners were arrested.

- (b) With respect to Reading 86, give examples of the problems faced by a Soviet citizen in reading a foreign newspaper.

- (4) Return to class unit and evaluate through class discussion the degree to which the ideals of the Soviet Constitution are applied in everyday life in the USSR.

EVALUATION:

Observation of discussion in step 4; self-reporting by students.

EXTENSION ACTIVITIES:

Prepare students by study of structure and function of Soviet government.

EXERCISE 41: *Banned in Moscow*

LEARNING OBJECTIVES:

- (1) To illustrate perceptions of human rights through studying list of banned books.
- (2) To learn to see perspective, bias, slant, opinion in books; learn how that perspective or bias may be seen as good or bad according to the political or cultural context in which it is read.
- (3) To compare hypotheses with "official" explanations for book banning.

TYPE OF GROUP:

Grades 9-12.

TIME REQUIRED:

Two class periods.

MATERIALS:

- (1) Reading 65.
- (2) *Readers Guide to Periodical Literature* (library).
- (3) *Review of Reviews* or *Book Review Digest* (library).

HOW TO PROCEED:

- (1) Each student selects a title from the list of banned books.
- (2) Each student conducts his or her own research by finding a copy of the book in the library or through loan, looking up possible American reviews through *Reader's Guide* or the Book Review collections.
- (3) A synopsis of the book's contents and perspective should be prepared as a book report.
- (4) Book report should be delivered orally.
- (5) In small groups, the student should categorize the books into subject-matter areas.
- (6) Each group should evolve an hypothesis for why the books in question should have been banned.
- (7) Hypotheses of each group should be compared with published reports of why the book was banned (if such reports are available) or by reference to an informant in the local community who has first-hand familiarity with the issue.

- (8) Class as a whole discusses how book-banning reflects a perspective on human rights and their meaning in that nation. Comparison should be made with the United States and recent legal cases with reference to the publication of CIA agents' names or the "secrets" of the hydrogen bomb.

PROBLEMS TO ANTICIPATE:

It may not be possible to find in library resources articles which reflect the official reasons for the banning. In this case, the hypothesis may be tested against an informant's judgment or recollection of the event, or against the context which has been ascertained by more general research.

EVALUATION:

Self-reporting; observation of class discussion, small group work.

EXERCISE 42: Mapping/Charting—"How I 'Read' the *New York Times* in Moscow"

LEARNING OBJECTIVES:

To create and digest a graphic representation of the steps and stages involved for a Soviet computer technologist in trying to secure access and permission to read an article published in the Western press (*New York Times*).

TYPE OF GROUP:

Grades 9-12.

TIME REQUIRED:

Preparation plus 15 minutes in class.

MATERIALS:

- (1) Reading 86.
- (2) Blank sheet of paper.

HOW TO PROCEED:

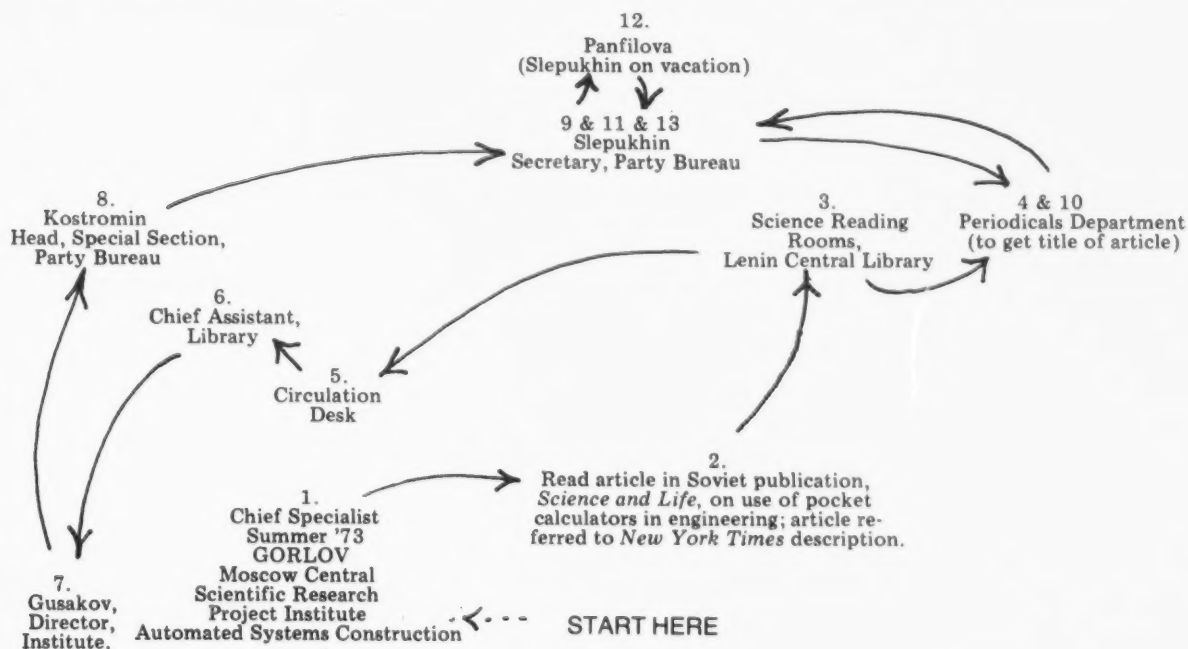
- (1) As a home assignment, have the students read the article and then make a map or chart illustrating the steps and obstacles involved in trying to secure the article on calculators (a sample chart follows here for teacher use).
- (2) Encourage students to think of similar difficulties they may have encountered in trying to locate sources in the library. How do these difficulties compare with Gorlov's?

Questions:

- (a) Why is Gorlov refused access at the Lenin Library Circulation Desk?
- (b) What are the objections and/or excuses offered by each of the following individuals?
 - (1) Chief Assistant at Circulation Desk.
 - (2) Gusakov (Director of the Institute where Gorlov worked).
 - (3) Kostrómin (Head, Special Section of Party Bureau).
 - (4) Slepúkhin (Secretary, Party Bureau).
 - (5) Panfilova (Substitute for vacationing Slepukhin).

Why do they offer these excuses or objections? What is the predominant attitude portrayed here towards

- American technological achievements?
- the American press?
- the American economic system?



EXERCISE 43: *Student-Produced U.S.S.R. Internal Passport*

LEARNING OBJECTIVES:

- (1) To understand the significance of an internal passport system.
- (2) To think about oneself, one's life and one's origins from the point of view of the government.

TYPE OF GROUP:

Individual students or entire class, grades 5-12.

TIME REQUIRED:

Preparation plus one half-hour OR no preparation but one class period spent in filling out passport and discussing implications of exercise.

MATERIALS NEEDED:

- (1) For teacher and student background reading:
 - (a) General Introduction to Internal Passport below.
 - (b) Reading 71.
- (2) For assembly of Internal Passport (for making one facsimile per student):
 - (a) Dark grey (almost black) construction paper for cover—1 sheet.
 - (b) Photocopies of the facsimile pages which follow exercise. For greater authenticity, students might treat paper with pale green water colors and allow to dry before using. The desired result is official-looking, unreproducible-type paper such as that on paper money and the inside of U.S. passports.
 - (c) Blue ball point pen.
 - (d) Stapler or needle and thread for assembling passport.
- (3) Assemble, as time and interest permit.

HOW TO PROCEED:

- (1) Introduce your students to the phenomenon of an internal passport, using the materials presented in this *Handbook* (listed under MATERIALS). The exercise assumes the students already have some familiarity with the Soviet Union, although this is not essential. In fact, the Passport Exercise may be used as an introduction to any centralized government. Have the students read the articles mentioned above, as well as the information provided on how to register for your passport and how to fill it out. This should be a home assignment, if possible. Each of the points needing clarification is marked with an asterisk.
- (2) Ask the students to read the instructions and fill out the passport pages at home. At the next class meeting, go through the steps involved in filling out the passport and registering for it. Discussion should naturally revolve around some of the following questions.

Page 1:

5. *Nationality*: How do you feel about declaring your own ethnic identity for your government? Why do you think the Soviet government cares about the "nationality" of its citizens? Can you see any benefits to being one nationality or another, within the Soviet context? Why is "Jew" listed as a nationality?

6. *Social Origins*: The Soviet Union claims to be a classless society. Why do you think it requires citizens to list social origins? Do you think some origins are better than others? If so, which? During the first half of the Soviet regime, there was another category here: Nobility. Why is this no longer listed as a choice? What would have been the official attitude towards people listed as "From the Nobility" in their passports? How can such distinctions as *Nationality* and *Social Origins* be used to protect or violate human rights?

Page 2:

3. *Certificate of return from abroad*: Why must Soviet citizens surrender their internal passports when applying to go abroad?

4. *Release Certificate from Place of Detention*: Why would having your passport taken from you in prison or a forced labor camp constitute punishment?

Pages 5, 6 & 8:

Permanent and Temporary Residence Permits: Do you think these regulations are always possible to enforce? What would you do if you went to visit a friend for a week? How could this sort of policy affect the behavior and movement of people engaged in non-approved activities? How does this statute help the state keep track of its citizens? How can the state use the residence permit as an instrument of control and even punishment?

Do we in the U.S. have anything resembling an internal passport? What documents do American adults regularly carry with them? Compare these to the Soviet internal passport.

PROBLEMS TO ANTICIPATE:

Students may simply fill in blanks and think no further.

EXTENSION ACTIVITIES:

Ask the students to interview their parents and fill out another set of forms.

INTERNAL PASSPORT—U.S.S.R.

In many countries of the world, including the U.S.S.R., citizens are required to carry with them a

personal identity card or passport for use within the country. This document serves as their official identification for everything from working papers to hotel registration to transportation passes. The Soviet Union's version of such an identity card is called an "internal passport," and it contains, in miniature, an overview of a citizen's life from age 16. Internal passports are not a new phenomenon for Russians, since they were a feature of Tsarist times as well. In fact, one of the promises made by the Bolsheviks after the October Revolution was the abolition of the internal passport. Although the practice was revived and reintroduced in 1932 and remains in effect up to today, there is no official (*i.e.*, published in the U.S.S.R.) description of the contents of an internal passport. By the way, it is called an "internal" passport only for non-Soviet audiences; Soviets refer to it simply as a passport. We have managed to reconstruct the detailed description of an internal passport given here from the memory of several recent Soviet emigrés. The documents are not permitted to be taken out of the U.S.S.R., with the result that we have had to rely on memory alone.

IF YOU WERE A 16-YEAR-OLD SOVIET CITIZEN, YOU WOULD REGISTER FOR YOUR FIRST PASSPORT. THIS IS HOW IT'S DONE.

- Step 1: Go to the Passport Bureau of your local Housing Office. (Every city is divided into housing regions, and each of these has a Housing Office.) Officials there will confirm that you live at so-and-so address by looking at their housing registration lists, and will give you the necessary forms and residence certification to pursue your passport registration. If you live on a collective farm, you go to the administrative office of the farm for these forms.
- Step 2: Fill out the forms which you have been given at the Housing Office. These contain the information which will appear in your official passport, and they will be checked carefully by the person who eventually issues it to you.
- Step 3: Take the completed forms to the Passport Registration Bureau of your local Police Station. Wait in line from several hours to several days. Eventually, you will be seen by an official, who will begin filling in your passport, taking the information from the forms you brought with you, but often asking you the questions again anyway, in order to verify the accuracy of your answers.
- Step 4: While you wait, the Passport Official takes your new passport and accompanying photograph to the Chief of his division, who will affix the photograph with an official seal and sign where appropriate. The passport is then returned to you, with congratulations. Getting your own passport is viewed as one of the landmarks of adulthood.

BACKGROUND INFORMATION AND INSTRUCTIONS FOR FILLING OUT YOUR INTERNAL PASSPORT

Page 1.

1. *Birthdate*: Russians list the day first, then the month and year.
3. *Patronymic*: (Son or Daughter of _____ = Father's name): As anyone knows who has ever tried to read a Russian novel, Russian names can be confusing. Part of the confusion stems from the fact that Russians use a sort of middle name arrangement unfamiliar to present-day English speakers, but not really as foreign as it seems at first glance. Russians have first names, (given names) and last names more or less as we do, although women's surnames often sport a final "a" where the male counterpart does not. For example, Leo Tolstoy's heroine Anna Karenina (from the novel by the same name) is married to a Mr. Alexei Karenin. The patronymic is a middle name which indicates your father's name. If your name is Peter, and your father's name Paul, you would be referred to in Russian as "Peter Paulson," *i.e.*, "Peter, Son of Paul." Similarly, if you are Mary, and your father's name is Andrew, you would be called "Mary, Daughter of Andrew." The Russian language has a special way of forming these patronymics, of course, and they are not as clumsy as they seem here in the description. Anyway, it's the father's name that counts. Those of us with surnames like Johnson, Stevenson, Peterson, MacHenry, MacAndrew, etc., bear traces of the fact that English had a system of patronymics once, too.
5. *Nationality*: This is known familiarly and infamously as the "Fifth Point," and is extremely important. It is not citizenship which is in question here, but *ethnic background*. Soviet citizens are of many ethnic groups, and this is the place where background is listed. Possible entries by Soviets are: Russian, Georgian, Ukrainian, Armenian, Uzbek, Belo-Russian, Tartar, Tadzhik, Jew (!), Kazakh, Lithuanian, Kirghiz, Latvian, Azerbaizhani, Estonian, etc. If a citizen is of mixed parentage, he or she has the right to choose between the two nationalities only once in a lifetime, at age 16 when the first passport is issued.
6. *Social Origins*: This refers to your parents' occupations and, therefore, their class status. Choose one of the three following descriptions, and write it on the appropriate line:
 - 1) Blue-collar workers (Laborers)
 - 2) White-collar workers (Managers, office workers and professional workers)
 - 3) Peasantry (farmers)

Page 2.

1. *Previous passport:* Passports are issued at age 16, then must be exchanged and reissued 5 years later, at age 21. After that, they are reissued at age 31, 41, and 55. After age 55, the passport is called a "termless," or permanent one, and is retained until death.
3. *Certificate of return from abroad:* When Soviets travel abroad, they must surrender their internal passport in order to get an external one. Upon return, they must submit the re-entry visa and external passport in order to reclaim the internal passport.
4. *Release Certificate from Place of Detention:* Soviet citizens who have been imprisoned, sent to forced labor camps or internal exile have their internal passports confiscated as part of their punishment. Upon release, they may register for a new passport, but must bring a release certificate as evidence of completion of the term. If a citizen has this point checked in the passport, any future employer will be wary of him or her, and will usually contact the Security Police (KGB) for details as to the person's behavior and reliability.

Military Obligation

Compulsory registration for military service is required of young men as soon as they reach the age of 17. The registration is carried out at regional draft centers. Active military service ranges from 1 year (for those with higher education) to 3 years. Length of tour of duty depends upon the branch of the armed services involved. After discharge, men enter the reserves until age 40-65, depending upon rank. Women enter the armed forces in the USSR on a voluntary basis.

Page 3.

Children

Children are listed in their parents' passports until they reach the age of 16 and are entitled to their

own passports. Russians normally have 1 or 2 children, while families from Soviet Central Asian republics tend to be much larger.

Marital Status

Most Soviets get married in so-called "Wedding Palaces," which are municipal buildings devoted exclusively to this purpose. A short civil ceremony by a special marriage official, who urges the couple to maintain a marital relationship in keeping with the ideals of Soviet citizenship, and to raise their children in the spirit of Marxism-Leninism. A recorded version of the Wedding March from Lohengrin is played, the official pronounces them man and wife, and family and friends applaud. In an adjoining room, champagne may be served. Usually, friends and family accompany bride and groom to a festive wedding dinner, held either at home or in a local restaurant. There is much eating, drinking, and shouting by the guests of the traditional expression, "it's bitter!" (referring to the wine), at which the newlyweds are required to kiss, in order to sweeten the wine and the proceedings. Divorce is frequent in the U.S.S.R., and is obtainable from the civil authorities, too.

Pages 5, 6 and, especially, 8.

Permanent Residence Permit (pro-peés-ka) and Temporary Residence Permits.

See the articles "You Can't Live There!" for the full implications of this practice. This is how Andrei Sakharov was forced to move from Moscow to the town of Gorky in January, 1980; his Moscow Residence Permit was revoked. See also the last page of the internal passport, containing excerpts from the Residence Registration Statute about the consequences of violating these regulations.

Page 7.

Employment.

Changing jobs, like changing place of residence in the Soviet Union, is done much less frequently than in the U.S.

PASSPORT

- * 1. Born on _____
Day Month Year
2. Last name _____
- * 3. _____
First name Patronymic
4. Passport issued _____
Day Month Year
- in _____
- * 5. Nationality _____
- * 6. Social origins _____

Affix photo
here

No. 675442

2

Passport issued on the basis of the following document(s). Check those that apply.

- * 1. Previous passport ()
2. Birth certificate ()
- * 3. Certificate of return from abroad ()
- * 4. Release Certificate from Place of Detention ()

* MILITARY OBLIGATION

Period of Service ____/____/____ - ____/____/____

Place of Service _____

Date of Discharge _____

CHILDREN

3

Name _____

Birthdate _____
Day Month Year

Place of Residence _____

Name _____

Birthdate _____
Day Month Year

Place of Residence _____

Name _____

Birthdate _____
Day Month Year

Place of Residence _____

4

* MARITAL STATUS

Marriage performed on

Day Month Year

at the _____
(enter location)

* Wedding Palace

by _____
(Signature of presiding official)

Marriage dissolved on

Day Month Year

at the following location

Witnessed by

** PERMANENT RESIDENCE PERMIT*

The bearer of this passport is permanently registered at the following address.

City _____

Street Address and Number _____

The bearer of this passport has been de-registered from the above address as of

Day Month Year

and re-registered at the following new address:

City _____

Street Address and Number _____

** TEMPORARY RESIDENCE PERMITS**EMPLOYMENT*

The bearer was hired by the following enterprise (enter name and location)

on _____

Day Month Year

in the capacity of (occupation/trade)

Signature of Personnel Officer _____

The bearer was dismissed from the above position on the following date:

Day Month Year

Signature of Personnel Officer _____

*(blank page follows for other job changes.)

** EXCERPTS FROM RESIDENCE REGISTRATION STATUTE.*

- 1) Residence anywhere within the USSR for more than 48 hours without a Residence Permit is not permitted.
- 2) Up to two (2) warnings may be issued in the event of non-compliance with this regulation.
- 3) A third violation brings criminal charges. The citizen is then liable to prosecution and sentence of 1-3 years imprisonment for violation of passport regulation.

CHAPTER FOUR

Evaluation

Clearly this chapter is not a textbook on instructional evaluation. By concerning ourselves with the peculiar attributes of evaluating a program in Human Rights and Citizenship, however, we may be breaking fresh ground for the user. Human rights, as a topic for learning, presents a host of problems for the would-be evaluator and for the classroom teacher.

This *Handbook* began with the formulation of learning objectives. Note that these were called "learning objectives," not "instructional objectives." This was done on purpose, and that purpose should be recalled here.

The subject of human rights is so elusive, so much like quicksilver, that we can only focus on the learning, not on the instruction. The objectives, we hope, were formulated not by those outside the classroom, but by the individual teacher and the class. These will be abandoned and new ones evolved each time the subject of human rights is taught. Obviously, as the teacher gains experience, a pattern is bound to emerge, but emphasis should nevertheless still be placed upon formulating learning objectives as an initial class experience. Otherwise, the definition of human rights and how human rights will be studied comparatively will be so culture-bound as to make effective learning unlikely.

Second, the process of attaining those objectives varies with the class and with its objectives. While this *Handbook* has offered some strategies and exercises, some illustrative materials and case studies, the way in which these are used will be unique to each classroom and will change each time the subject of human rights is approached. This procedure can generate a good bit of uncertainty and insecurity for teachers who have learned that most school subjects are easily defined, the facts well-delineated and the learning easily measured by either criterion-referenced tests (what has been learned against pre-set criteria) or normative tests (students measured against another group or a national sample).

Third, those objectives involve a heavy dose of affective learning, the sharpening of underpracticed skills and perhaps even a change in behavior. The very difficulty of defining human rights has proven in our experience to be one of the most important and enduring learnings. Uncovering the basic fact that

human rights involve culturally-derived values and attitudes, as well as behavior toward others, will have an unexpected consequence. Instead of revealing human rights as a crystalline concept open to cognitive learning, it will be seen as an elusive, paradoxical and infinitely complex set of interrelated issues, demanding both intuition and inductive thinking in addition to the more expected learning skills. Coming up with an evaluation that will satisfy the principal, superintendent or school board is going to be improbable if the evaluation is structured according to normal American educational practice (although leaders in the growing field of evaluation, rooting their concepts and procedures in social science methodologies, are moving quickly ahead of actual in-school practice). Human rights, in short, won't be easily tested, nor a program in human rights education easily evaluated.

So in this chapter we concentrate on the elusive qualities and how they may possibly be captured in a way that measures outcome against objectives.

The outcomes we may expect fall into four categories:

1. *Learning about human rights in other nations: facts, figures, illustration.* A vehicle, we hope, for more penetrating and enduring learnings, this learning is at a lower cognitive level. For each of the five nations in this *Handbook*, learning some basic facts and even some basic cultural phenomena would represent a satisfactory outcome.

2. *Sharpening critical thinking skills:* The capacity to observe and interpret another culture with enough sensitivity to avoid the cultural baggage brought to the inquiry by the student. To use an earlier image, we may call it the skill to crawl inside another culture and see it on its own terms without prejudgment. This is a skill, and it belongs among the higher cognitive, critical thinking skills. The usual definition of critical thinking skills is fundamentally a western cultural conception, and therefore in fact even the definition imposes upon cultures under study certain subtle prejudgments which may be unfair or insensitive to the subject studied. Knowing that a culture under study is not the same as the culture itself is a skill of no small value. It is here, too, that making cross-cultural comparisons between the five nations is called for.

3. *New attitudes toward human rights.* Study must be divorced from the value system from which the student comes. Human rights practiced in the five nations and expressed in the international instruments are influenced by the political, historical and cultural contexts from which they emerged. It is very hard to understand that human rights are values which are influenced by one's own cultural values. Some students, for instance, come to the study of human rights with the preconception that the Bill of Rights of the United States is immutable, a self-contained truth that the rest of the world is inevitably bound to recognize as the best. Such an attitude may make the student insensitive to the somewhat different assertion of human rights in other nations which citizens there think are equally the best. Egocentrism and ethnocentrism touch the cognitive, but are fundamentally affective in quality.

4. *New behaviors in respecting and reacting to the rights of other individuals, groups, cultures and nations,* and to procedures for protecting those rights: new behavior related to learning about other cultures, other peoples.

The first of these four is so well-known and the processes for constructing evaluation instruments so familiar that it needs no special attention here, with the exception of a single point. The teacher whose evaluation of human rights learning is restricted to the purely factual or even to covering concepts of human rights does a disservice to the student and does not help to evince an understanding of human rights. When this Project asked 100 adult professional educators to define human rights, the task proved almost beyond the capacity of the group. Individuals differed widely over what they meant by human rights, even though all but five were Americans, and almost all were committed to the western liberal democratic system. Individual predispositions and membership in advocacy groups made it not just difficult but almost impossible to arrive at a consensus on human rights. Thus the classroom teacher should be on guard not to impose a definition or to assume that the class is already in agreement on a definition. Evaluation of cognitive learning in human rights will yield mainly a confirmation of preconceptions if a definition of a hard sort is subsumed from the start. So, by all means, if you wish, test the facts about our five nations and about human rights in them that you think are important, but put some real attention toward evaluating the other three outcomes as well.

A number of skills have been needed to meet intended learning objectives, if your pattern followed ours. Here are some of them:

- Bibliographic skill: finding additional resources for learning, classifying them.
- Reading skill: reading and understanding original source materials.

- Observational skill: perceiving as much as possible without seeing what isn't there.
- Skill in recognizing a prejudice, stereotype, preconception in oneself.
- Deduction: following from the general to the particular in a logical fashion.
- Analysis: sorting out facts, classifying and categorizing.
- Synthesis: bringing it all together into an interpretive whole.

We would add to this something which does not receive the attention it deserves in this committee-dominated American culture: the skill of working and learning effectively in a group. The point has been made that a group establishes its own little culture which governs the behavior and thus the learning of its members. The study of human rights or other culturally-influenced topics may yield most effective results if it is conducted in a group process. In working as a group, an operating understanding of rights and responsibilities may emerge, together with a structure which permits the protection and enforcement of rights. Group process requires skills in handling interpersonal relationships in an operating context, making those interpersonal skills in effect learning skills. Without attempting to be heretical, we would seriously advance the argument that intuition is a more common method of learning than most educators would like to believe. The random quality of intuition may more nearly match the random quality of all existence than the intensely logical learning processes we would like to think prevail. Intuition is rarely rewarded in our system. In a subject as abstract and yet as concrete as human rights, we might well encourage it a bit more. There is no need to fear that it would run out of control: real constraints exist in the group context on unfounded intuition with all the give and take that implies. Let the group dynamics both encourage and limit intuition, rather than attempt to prohibit it.

It is necessary to emphasize again in this context that any student comes to the study of human rights with a well-developed set of conceptions, even a child in elementary grades. This is normal and natural, a simple fact of life. Any culture, our own included, evolves socialization and educational procedures for inculcating in its young the controlling values of that culture. The problem, of course, arises when a person looks at the values of another culture. The cultural values already instilled are so thoroughly a part of the person's personality, so thoroughly sublimated, that it is extremely difficult to prevent them from controlling the observation. Thus, for an American student to evaluate human rights practices and procedures in other nations without distorting the evaluation requires the conscious identification of his or her own values and careful withholding of judg-

ment until the observation and evaluation has been completed and comparison and interpretation undertaken.

Here again, process intrudes. The skills needed for separating oneself and one's cultural attitudes and values from the study of another culture are extremely difficult to isolate. In fact, we know of no single technique which will isolate them for evaluation by a teacher or program director. They are measurable for cultural learning, and for human rights learning in particular, only insofar as they are to be seen *in process*. The process, both individual and group, through which the students learn about human rights is not independent of the learning and so cannot be separated out in any evaluation, as is customary in most American evaluation. Recent developments in educational evaluation put stronger emphasis on the teacher's contribution, the syllabus and methods, even the learning environment. No longer should we disregard these factors in our quest for measuring student achievement. Likewise, we should develop more experience in seeing learning as part of an interactive process within a group of individuals.

From this perspective, evaluation should concentrate on the group rather than the individual student. There is additional argument for this recommendation.

Human rights learning is affective. This may not be apparent on the surface, for most writing about affective learning deals with school and community related learnings. One recent book on evaluation says, for instance, that measures in the affective area deal with how students feel about themselves, school and certain topical areas such as drugs, mathematics, ethnic groups. The word "feel" is misleading here. Yes, attitudes and values affect feelings, but affective education deals more broadly with the way in which values and attitudes, both overt and subliminal, affect a student's perspective of the world. Edward T. Hall's writings (*The Hidden Dimension*, *The Silent Language* and *Beyond Culture*) make the point that culture so surrounds us that it is supremely difficult to rise above culture, to get beyond culture. Hall argues, however, that the only way to understand oneself and one's own culture is indeed to go beyond them through the medium of other cultures. If the final goal of education is self-knowledge, then here is that goal restated in terms of cultures. To know oneself is to know one's own culture, but this is impossible without seeing it through the perspective of another culture. To do this requires putting values and attitudes (which are very largely culturally-induced) on a shelf, putting feeling aside. That is, in fact, affective learning.

Affective learning deals with sensitive issues, closely related to a person's self-esteem. Rather than risk psychological damage, many educators avoid af-

fective learning and especially avoid testing it. Yet when the subject requires the student to unload her or his cultural baggage, as human rights learning surely does, there is a necessity to face up to the problem. Some observers might suggest that what we are talking about is not affective at all. They might argue that it is the student's ability to render cognitional some matters which are usually sublimated by psychological and social pressure upon the individual. Our aim is to make the student aware of the preconceptions, mis-conceptions, prejudices and stereotypes which culture forces him or her to bring to the study of peoples who are different. We have labelled this "cultural baggage," but it is baggage of a great weight which appears weightless to the student. Our task is to make the student aware of the burden and to react to the world as a person so burdened should. That does not mean to challenge American values or even to change student attitudes as much as it means making the student learn and act as if aware that values and attitudes can affect behavior. While this may involve a cognitive process, it is a path which leads through the thickets of culturally-formed values, family-generated perspectives and commonly held attitudes as well as how the student "feels" about something.

We return to the issue of evaluation. Common procedures for affective evaluation measure affective outcomes against prevailing social norms. Here again, we run into trouble. How, if the social norms generally prevailing are quite in contrast to the freedoms from preconception advocated here, can we appraise the student's learning?

There is real danger if we approach evaluation through a testing procedure for each individual student. If we isolate a student from the group when dealing with a subject close to the religious and social norms of major importance to community and nation, we are laying ourselves open to accusations of tampering with ethics. This is not our purpose, but individual testing may make it seem so.

The answer is always to measure the group, not the individual student. So we come back to the same point made earlier: The learning has been taking place in the context of a group which involves other students, perhaps a teacher. Part of the group context should have included a sharing process, structured or unstructured. A subculture evolves in a group which works together, and procedures are developed for sharing. If the group is a learning group, then learnings are shared. There are ways for the evaluator to syphon off some of the shared learning for evaluation. The point to emphasize here is that the evaluation of attitudinal shifts and behavioral differences in a group must be measured for the whole group and not from testing or observing a single individual. So, even if this flies into the face of most routine class

evaluation procedures and our American tradition of evaluating by testing the achievements of individual students, look to the group's movement not to the individual's achievement.

1. *Self-Reporting*

Most students on the secondary level will be able to understand questions you ask about human rights and have sufficient self-awareness to provide the necessary information in response to questions. Self-reporting techniques are recommended for human rights learning at this level. There are disadvantages, however, so they cannot be used alone but only in conjunction with other techniques.

One way to do this is to provide systematic feedback from each student at each stage of the learning. Daily feedback reports are helpful, but they do take five minutes of class time and students may object to their daily use. An opportunity may be given for the feedback form to include the student's name, but only if the student feels that her or his identity is important. Normally, because you are after the group's reactions, anonymity would be preferable. A feedback form would include:

- (1) Statement of Learning Objectives.
- (2) Subject of study today.
- (3) Team or group partners today.
- (4) Scale of 1 to 10: Did today's activities meet the learning objectives? Sentence or two statement of why or why not.
- (5) Problems or questions which arose which were not solved.
- (6) Things I would like to know more about.

One possible example is shown later.

Another useful procedure is for students to maintain a systematic log, diary or journal devoted to rights and responsibilities. In it, a student should write:

- (1) All human rights facts that were acquired during a given day from any source: newspapers, radio, television, reading, conversation, class activity or sharing.
- (2) Observations about human rights.
- (3) Questions about human rights that are not clear.
- (4) Human rights in practice in the school, in the home, in the community, in the nation.

The problem for the teacher is the sheer volume of logs to look over. Because they will be subjective, it is virtually beyond the realm of possibility for any graded assessment to be made (but you can gain an overall impression of the learning of one group compared to another).

Process-generated opportunities are plentiful for a form of self-reporting. In other words, if small groups or the class as a whole are working on human rights topics, it is the teacher's responsibility to encourage routine sharing of what is learned. If the objectives-

setting exercise, Exercise 1, has been used, that time would offer a good chance to introduce and discuss ways by which learning may be shared. There are few limits to ways to share, from skits and role playing, to writing poems and essays, bulletin boards, and so on. The sharing should, however, be structured in such a manner that the members of the class or sub-group from the class must share with their peers, and not just with their teacher via the normal quiz or test. A rule of thumb we have found useful (in spite of the fact that it cannot always be done!) is for sharing to take place in a manner similar to how the learning was learned. Thus, it may be possible to avoid the awful show-and-tell sessions, or the endlessly dull book reports, or any other overreliance on individual displays. Sharing should be group sharing with group, rather than individual with the group. The teacher is a receiver of this sharing, too, and may use it for evaluation, noting the effectiveness of the sharing as well as what was shared.

This evaluation process has been placed quite consciously in the "self-reporting" category, even though it is clear that the evaluator is an observer. This has been done to emphasize that the heart of the sharing is not to prove to the teacher that the group has learned anything, but to actually share meaningful learnings with peers in the class. The normal observational evaluation will have the evaluator observing quietly, noting what is happening and who is doing what to whom on a pad. That this is separate and apart from what is transpiring before the observer is ridiculous. Just as the anthropologist inevitably affects what it is that he or she is observing in a culture, the observer is not apart from the process, but an integral part of it. We suggest that the observer not be just the teacher. Let the entire class be the observer. Let the sharing constitute an evaluation not simply by what has been transmitted to the receptor group but by how that receptor group reacts to the learnings transmitted. This can be done in a number of ways, from formalized reporting (each student has a pad!) to conscious appraisal in interactive form by the receptor group. Just as the learning cannot be evaluated apart from the process, so the process may not be evaluated apart from the group. The observer is a part of the group, so instead of pretending that that is not so, it is best to proceed with the group's own process-related evaluation of the group.

2. *Reports of Others*

There is still room for reporting. First, the person-to-person relationship of teacher and student has not evaporated, for all that has been said of group process. The student expects the teacher to appraise individual work and accomplishments. The student will not be surprised or put off by a private interview in which some of the affective dimensions can be explored. This is a procedure that can come to grips with

some of the problems of self-reporting. Because students are quick to "psyche out" or to anticipate what it is that the teacher wants to hear, and because students have been involved in the process of setting out learning objectives, there will be a tendency for them to report what it is that they think the teacher wants them to say. No matter how hidden the agenda, students are remarkable ferrets.

A personal interview permits the follow-up question, the probing of areas which the student can keep out of sight in self-reporting. It does have the danger of entering psychological doorways that might better have been avoided, but if there is a friendly relation between teacher and student, it is possible. Remember, however, that a report on the individual student is not the aim here, but an assessment of the class achievement, particularly the capacity of the class to divorce itself from its American cultural context and see human rights in a different context. If that new context is communicated through several interviews, there can be a high measure of satisfaction with the learning.

Questionnaires are also possible. Again, testing in human rights is possible, but the results are valid really only for the group, not the individual. Thus,

when we recommend a Likert-style attitudinal reference test, such as the one which follows, we must condition its use with these words: *Do not use this test for individual measurement, but only to measure group movement* in a pretest-posttest situation. This questionnaire is designed to show movement toward regarding human rights in their cultural context. By itself, it is static and meaningless. If, on the other hand, half the questionnaire is administered before the study of human rights and the other half toward or after the end of the study, it may be possible to see if any changes in attitude have occurred in the group. It is a group test, and should not be graded for individuals. Under no circumstances should individual "scores" be recorded or reported outside the classroom. On the other hand, it may prove useful in determining if human rights learning has an impact on cultural preconceptions and stereotypes in other learning contexts.

Additional questions may be developed. Rules are that they should not contain more than one concept or item, the question asked should not be ambiguous, the question should, if possible, appear in reversed format at a different part of the questionnaire. Testing of questions is always advisable.

ATTITUDINAL QUESTIONNAIRE FOR *ELEMENTARY* GRADES

(See following Questionnaire for Grades 7-12)

WHEN YOU GROW UP

When you grow up, what sort of person do you want to become? In each question that follows, we give you something that a different person has said. Then we ask you whether you would want to be like such a person or not. Of course, you would really need to know a lot more about each of these people before you could decide; on the other hand, you can sometimes tell quite a lot about a person from the way he or she talks.

Here is the first question:

1. "I think women should stay out of politics," said Mrs. A, "anything to do with politics is for men to decide."
Will you think like Mrs. A when you grow up? (Pick one)

Yes _____
 No _____
 Can't decide _____
2. "I will sell my home to a colored family if I want to," said Mr. B.
Will you think like Mr. B when you grow up? (Pick one)

Yes _____
 No _____
 Can't decide _____
3. "Of course people with different religions teach their children different ideas," said Mr. C, "but if that is what they want to do then I think we should leave them alone."
Will you think like Mr. C when you grow up? (Pick one)

Yes _____
 No _____
 Can't decide _____
4. "It's better to read more than one newspaper," said Mr. D, "that way you get different points of view about public affairs."
Will you think like Mr. D when you grow up? (Pick one)

Yes _____
 No _____
 Can't decide _____
5. "We should always speak up when we disagree with the government," said Mrs. E, "that way we get better laws in the end."
Will you think like Mrs. E when you grow up? (Pick one)

Yes _____
 No _____
 Can't decide _____
6. "We must give you a chance to say what you think," said Mr. F, "even if we don't agree with you."
Will you think like Mr. F when you grow up? (Pick one)

Yes _____
 No _____
 Can't decide _____
7. "What's the use of complaining," said Miss G, "the government won't listen to people like me anyway."
Will you think like Miss G when you grow up? (Pick one)

Yes _____
 No _____
 Can't decide _____
8. "If you try hard enough," said Mr. H, "you really can make a change in the way the country is run."
Will you think like Mr. H when you grow up? (Pick one)

Yes _____
 No _____
 Can't decide _____
9. "Some newspapers go too far in blaming our government," said Mr. J, "and if I were a judge, I'd close them down for being disloyal."
Will you think like Mr. J when you grow up? (Pick one)

Yes _____
 No _____
 Can't decide _____
10. "What is the point of giving education to boys from poor families," said Mr. K. "It will only make them want things they can't ever hope to get."
Will you think like Mr. K when you grow up? (Pick one)

Yes _____
 No _____
 Can't decide _____

11. "There are millions of other people who will vote in this election," said Mr. L, "so it does not matter whether I vote or not."
Will you think like Mr. L when you grow up? (Pick one) Yes _____
No _____
Can't decide _____
12. "It is not my fault if there are people who are unemployed," said Mr. M, "so why should I pay taxes to help them?"
Will you think like Mr. M when you grow up? (Pick one) Yes _____
No _____
Can't decide _____
13. "Most politicians are selfish," said Mrs. N. "They only want to do things for themselves or their families."
Will you think like Mrs. N when you grow up? (Pick one) Yes _____
No _____
Can't decide _____
14. "The only way to get peace in the world is by supporting the United Nations," said Miss H, "even if it means we must give up some of our own independence."
Will you think like Miss H when you grow up? (Pick one) Yes _____
No _____
Can't decide _____
15. "If I had my way, we would all pay less tax," said Mr. O. "After all, the government only gives it away to the sick and the old and the unemployed who are no use to us anyway."
Will you think like Mr. O when you grow up? (Pick one) Yes _____
No _____
Can't decide _____
16. "The Russians will never let those dissidents out, so why don't the dissidents just shut up and go back to work?" said Ms. J.
Will you think like Ms. J when you grow up? (Pick one) Yes _____
No _____
Can't decide _____
17. "The South Americans must like dictatorship, because that's all they ever seem to have. Just when they get a civilian government in office, the military throws it out. We should ignore them, for they're hopeless," said Mr. P.
Will you think like Mr. P when you grow up? (Pick one) Yes _____
No _____
Can't decide _____
18. "The Red Brigades and the right wing terrorists like them are trying to tell us something about human rights. I want to find out what it is they are saying," said Mrs. R.
Will you think like Mrs. R when you grow up? (Pick one) Yes _____
No _____
Can't decide _____
19. "The Indians," said Dr. Q, "abolished caste and untouchability in their Constitution over 30 years ago. I'd like to find out why caste still exists."
Will you think like Dr. Q when you grow up? (Pick one) Yes _____
No _____
Can't decide _____
20. "The American Bill of Rights contains all the rights anyone needs now or for the future," said Mrs. S.
Will you think like Mrs. S when you grow up? (Pick one) Yes _____
No _____
Can't decide _____

(The first 15 questions are from A. N. Oppenheim, "Attitudes in Civic Education in Several Countries: Development of Cross-National Scales." Hamburg: International Association for the Evaluation of Educational Achievement, May 1970, pp. 38-41. ERIC ED 068 408. The last five questions relate to our five nations.)

ATTITUDINAL QUESTIONNAIRE FOR SECONDARY STUDENTS

List your agreement with the following statements on the scale at the right.

	Strongly Agree with statement		Do not feel strongly either way	Strongly Disagree with statement	
1. Everyone agrees on what human rights are.	X	X	X	X	X
2. The United States Bill of Rights contains all human rights.	X	X	X	X	X
3. All human beings are created equal.	X	X	X	X	X
4. Freedom of expression should have no limits.	X	X	X	X	X
5. Freedom of movement within nations is universally recognized.	X	X	X	X	X
6. Freedom from hunger is as important as freedom of speech.	X	X	X	X	X
7. Freedom from error should be maintained by the State.	X	X	X	X	X
8. The right to hold private property must not be limited.	X	X	X	X	X
9. The right to rebel is the most important freedom.	X	X	X	X	X
10. Definitions of human rights vary from country to country.	X	X	X	X	X
11. If human rights are properly defined there will be no conflict.	X	X	X	X	X
12. Freedom to marry the person of your choice, even if from a different race, is a universal human right.	X	X	X	X	X
13. The right to work should be guaranteed by the State.	X	X	X	X	X
14. The right to practice any religion should be protected by the government.	X	X	X	X	X
15. Everyone agrees on what a particular word means.	X	X	X	X	X
16. All prisoners are political prisoners.	X	X	X	X	X
17. No country has a right to impose its values on another country.	X	X	X	X	X
18. A generally-accepted definition of human rights exists.	X	X	X	X	X
19. All women should enjoy equal rights with men.	X	X	X	X	X
20. Human rights practices are not affected by economic conditions.	X	X	X	X	X
21. Human dignity and worth are universally respected.	X	X	X	X	X
22. Human life is more important than human rights.	X	X	X	X	X

23. The right to bear arms should be guaranteed by all constitutions.	X	X	X	X	X
24. Human rights are for individuals, not for groups of people.	X	X	X	X	X
25. Economic and social rights are identical.	X	X	X	X	X
26. The U.S. Bill of Rights will work equally well anywhere else.	X	X	X	X	X
27. There are no "political prisoners" in the United States.	X	X	X	X	X
28. War may be necessary to protect human rights.	X	X	X	X	X
29. Each culture has a different definition of human rights.	X	X	X	X	X
30. Human rights should be guaranteed by the government.	X	X	X	X	X
31. Human rights exist above and beyond the historical and cultural context of a single nation.	X	X	X	X	X
32. Health is a fundamental human right.	X	X	X	X	X
33. The goal of all government is the guarantee of human rights for its citizens.	X	X	X	X	X
34. Everyone should have the right to <i>be</i> , not the right to <i>have</i> .	X	X	X	X	X
35. The right to freedom from forced entry into the home should not be claimed if there are suspicious people in the home.	X	X	X	X	X
36. Freedom from fear and want should be the highest aspirations of the common people.	X	X	X	X	X
37. Police wear uniforms so everyone will obey the law.	X	X	X	X	X
38. Some human rights are more fundamental than others.	X	X	X	X	X
39. Protection of human rights justifies the interference by one group in the affairs of another group.	X	X	X	X	X
40. All persons arrested for an offense should be assumed guilty until proven innocent.	X	X	X	X	X
41. Human rights are universal.	X	X	X	X	X
42. There is no difference between abstract human rights and real human rights.	X	X	X	X	X
43. All human beings are born free and equal in dignity and rights.	X	X	X	X	X
44. Human rights do not exist in undemocratic nations.	X	X	X	X	X
45. Everyone has the right to effective remedy by competent courts for violations of fundamental human rights.	X	X	X	X	X

46. No one should be subjected to arbitrary interference with privacy, family, home or correspondence.	X	X	X	X	X
47. No one should be subjected to attacks on his or her honor and reputation.	X	X	X	X	X
48. Everyone has the right to seek and enjoy in other countries asylum from persecution.	X	X	X	X	X
49. Adults should have the right to marry without limitation by race, nationality or religion.	X	X	X	X	X
50. Marriage should be entered into only with the full and free consent of the intending spouses.	X	X	X	X	X
51. It may be necessary for human rights to be imposed by one nation on another.	X	X	X	X	X
52. There are no religious practices which cannot be tolerated.	X	X	X	X	X
53. Human rights have not changed through history.	X	X	X	X	X
54. No one should arbitrarily be deprived of his or her property.	X	X	X	X	X
55. Everyone has the right to equal access to public service in his country.	X	X	X	X	X
56. Everyone has the right to change his or her religion.	X	X	X	X	X
57. Everyone has the right to receive and impart information and ideas through any media and regardless of international frontiers or boundaries.	X	X	X	X	X
58. Everyone, as a member of society, has the right to social security.	X	X	X	X	X
59. Everyone, as a member of society, has the right to protection from unemployment.	X	X	X	X	X
60. Everyone, without any discrimination, has the right to equal pay for equal work.	X	X	X	X	X
61. Everyone has the right to form and to join trade unions for the protection of his or her interests.	X	X	X	X	X
62. Everyone has the right to rest and leisure.	X	X	X	X	X
63. Everyone has the right to a standard of living adequate to the health.	X	X	X	X	X
64. Everyone has the right to enjoy the arts.	X	X	X	X	X
65. Everyone is entitled to a social and international order in which human rights can be fully realized.	X	X	X	X	X
66. Everyone has duties to the community.	X	X	X	X	X
67. Everyone has the right to preserve his or her own distinct language.	X	X	X	X	X
68. Human rights apply to persons both as individuals and as members of social groups.	X	X	X	X	X

69. Free education is a basic human right.	X	X	X	X	X
70. Freedom of art and science is a right.	X	X	X	X	X
71. Traffic in human beings violates human rights.	X	X	X	X	X
72. Sovereignty of the nation comes before any individual's human rights.	X	X	X	X	X
73. Groups of people who are disadvantaged should have special rights until they are like everyone else.	X	X	X	X	X
74. Fundamental human rights are the right to work, to rest and to health care.	X	X	X	X	X
75. Freedom to participate in administration of the State is a fundamental political right.	X	X	X	X	X
76. The right to street processions and demonstrations is a fundamental political right.	X	X	X	X	X
77. The right to vote is a fundamental political right.	X	X	X	X	X
78. The right to lodge complaints against the actions of the State officials is a fundamental political right.	X	X	X	X	X
79. Personal lives of citizens and the privacy of their correspondence, telephone conversations and telegraphic communications should be protected by the law.	X	X	X	X	X
80. The realization of rights is inseparable from the citizen's performance of his or her duties.	X	X	X	X	X
81. The citizen has a responsibility to be uncompromising toward antisocial behavior.	X	X	X	X	X
82. Defense of the fatherland is a sacred duty of each citizen.	X	X	X	X	X
83. Military service in the ranks of the armed forces is the honorable duty of the citizen.	X	X	X	X	X
84. National security justifies the use of telephone wiretaps.	X	X	X	X	X
85. It is the internationalist duty of each citizen to promote friendship and cooperation with peoples of other countries.	X	X	X	X	X
86. The State and the Catholic Church are, each within its own ambit, independent and sovereign.	X	X	X	X	X
87. Human rights do not apply to foreigners.	X	X	X	X	X
88. War is an instrument of aggression against liberties.	X	X	X	X	X
89. Personal liberty is inviolable.	X	X	X	X	X
90. Human rights are another example of western imperialism, moral imperialism.	X	X	X	X	X
91. Preventive detention of suspicious persons is permissible if police inform the courts within 48 hours.	X	X	X	X	X

92. Personal domicile is inviolable.	X	X	X	X	X
93. Personal movement is inviolable except where limited by law for reasons of health and security.	X	X	X	X	X
94. All are entitled to freely profess their religious convictions save in cases contrary to morality.	X	X	X	X	X
95. No one may be deprived of his or her legal status, citizenship or name for political reasons.	X	X	X	X	X
96. Defense is an inalienable right at every stage of legal proceedings.	X	X	X	X	X
97. No one may be punished save on the basis of law that was in effect when the offense was committed.	X	X	X	X	X
98. It is the duty and right of parents to support, instruct and educate their children, even those born out of wedlock.	X	X	X	X	X
99. Punishment must not consist of measures contrary to humane precepts.	X	X	X	X	X
100. Health safeguards are a basic right of the individual.	X	X	X	X	X
101. No one may be forced to undergo any particular medical treatment save under the provisions of the law.	X	X	X	X	X
102. An employed person is entitled to a weekly day of rest and to annual holidays with pay and he or she cannot relinquish this right.	X	X	X	X	X
103. Conditions of work for females must make it possible for them to fulfill their essential family duties and provide for the adequate protection of mothers and children.	X	X	X	X	X
104. Workers are entitled to adequate insurance for their requirements in case of illness.	X	X	X	X	X
105. The right to strike should be recognized.	X	X	X	X	X
106. The right to lockouts should be recognized.	X	X	X	X	X
107. All property, without exception, is inviolable.	X	X	X	X	X
108. To vote is a civic duty.	X	X	X	X	X
109. All citizens have the right to join a political party.	X	X	X	X	X
110. The defense of the country is a moral duty of every citizen.	X	X	X	X	X
111. Military service should be compulsory for everyone.	X	X	X	X	X
112. Judges cannot be removed from office.	X	X	X	X	X
113. Judges are subject only to the laws, not to the President.	X	X	X	X	X

114. It should be the duty of the State to encourage intermarriage among persons from different places of origin or of different religious, ethnic or linguistic associations or ties.	X	X	X	X	X
115. The State shall control the national economy in such manner as to secure the maximum welfare, freedom and happiness of every citizen on the basis of social justice and equality of status and opportunity.	X	X	X	X	X
116. The State shall direct its policy towards ensuring that the material resources of the community are harnessed and distributed as best as possible to serve the common good.	X	X	X	X	X
117. The State shall protect children, young persons and the aged against moral and material neglect.	X	X	X	X	X
118. Every person has the right to life and no one shall be deprived intentionally of his or her life, save in execution of the sentence of a court in respect of a criminal offence of which he or she has been found guilty.	X	X	X	X	X
119. A court may sentence a person to forced labor without violating human rights.	X	X	X	X	X
120. The government should adopt one religion as the State religion.	X	X	X	X	X
121. Citizenship should be limited to members of one particular race.	X	X	X	X	X
122. Naturalized citizens should not be obligated to bear arms against their country of origin.	X	X	X	X	X
123. Labor is a social obligation.	X	X	X	X	X
124. In no case may the lawmaker impose the death penalty when enacting laws.	X	X	X	X	X
125. No student should be required to receive religious instruction if it relates to a religion other than his or her own.	X	X	X	X	X
126. Property is a social function that entails obligations.	X	X	X	X	X
127. The general direction of the economy should be a responsibility of the State.	X	X	X	X	X
128. Everyone should be free to choose a profession or occupation.	X	X	X	X	X
129. The law may require certificates of competency for the profession.	X	X	X	X	X
130. The law may prohibit the production and consumption of alcoholic beverages.	X	X	X	X	X
131. The press should be responsible for attacks on personal honor, the social order, or the public tranquility.	X	X	X	X	X

132. Any number of people should be free to assemble.	X	X	X	X	X
133. The authorities should not use the excuses of a meeting "degenerating into disorder," "riot," or "obstructing the public thoroughfares" to restrict the freedom of public assembly.	X	X	X	X	X
134. Permanent political assemblies of the people should be prohibited.	X	X	X	X	X
135. No person should be permitted to carry arms in a settled area without permission.	X	X	X	X	X
136. The freedom of all sects that are not contrary to Christian morality should be guaranteed.	X	X	X	X	X
137. The law of life is concern of all, for the good of each and concern of each for the good of all.	X	X	X	X	X
138. A developed socialist society is a natural, logical stage on the road to communism.	X	X	X	X	X
139. The land, its minerals, waters and forests, should be the exclusive property of the State.	X	X	X	X	X
140. The free development of each is the condition for the free development of all.	X	X	X	X	X
141. War propaganda should be banned.	X	X	X	X	X
142. Citizens should have guaranteed employment and pay in accordance with the quantity and quality of their work.	X	X	X	X	X
143. The citizen should have the right to health protection.	X	X	X	X	X
144. The citizen should have the right to rest and leisure, ensured by the establishment of a working week not exceeding 41 hours.	X	X	X	X	X
145. Citizens should have the right to housing.	X	X	X	X	X
146. Citizens should have the right to enjoy cultural benefits.	X	X	X	X	X
147. No one should, without lawful grounds, enter the house of a citizen against the will of those residing in it.	X	X	X	X	X
148. Human rights have changed in time.	X	X	X	X	X
149. Each country sees human rights differently from others.	X	X	X	X	X
150. The U.S. Bill of Rights arose from European ideals of the 18th century and the culture that generated those ideals.	X	X	X	X	X
151. The ultimate patriot is he or she who dies to uphold human rights.	X	X	X	X	X
152. A nation that offers political asylum also permits political emigration.	X	X	X	X	X
153. No one should tell me what I can do with my own property.	X	X	X	X	X

154. "Due process" is a way of protecting the rights of those who can afford to use it.	X	X	X	X	X
155. English is the language of democracy in America.	X	X	X	X	X
156. Civil rights and human rights are entirely different.	X	X	X	X	X
157. When we say "human rights," we mean <i>political</i> rights.	X	X	X	X	X
158. There is no general agreement on human rights among nations.	X	X	X	X	X
159. Because history and cultures change, there can be no agreement on human rights in the world.	X	X	X	X	X
160. Human rights exist only in a particular cultural context which is right for that culture.	X	X	X	X	X

Hints for administration: Select no less than fifty, evenly balanced between the categories above. For pretest-posttest, select 80 evenly-balanced questions each. It would be wise to add an additional precaution of selecting at random within the categories.

To analyze your results . . .

Here are the main categories of the questions which appear in the attitudinal questionnaire:

Human Rights: General, philosophical, abstract

1, 3, 4, 5, 10, 11, 15, 17, 18, 20, 21, 22, 24, 28, 29, 30, 31, 38, 39, 41, 42, 43, 44, 51, 53, 57, 68, 87, 88, 89, 90, 131, 132, 133, 137, 147, 148, 149, 151, 156, 158, 159, 160.

Political Rights

7, 16, 23, 33, 35, 37, 48, 55, 66, 72, 75, 76, 77, 78, 84, 86, 95, 109, 134, 135, 141, 152, 157.

To analyze your results first be sure the answers to statements referring to a specific attitude are gathered together, not mixed up with other responses. Then find the overall mean score of the class or group on the scales related to specific attitudes. You may

SAMPLE SUB-SCALE FROM A STUDENT'S FORM

Assign numerical values to the five X's (it doesn't matter which way you go: if you feel that agreement is more like a 5, then reverse it).

1 2 3 4 5

ATTITUDES TOWARD RELIGIOUS RIGHTS

14. The right to practice any religion should be protected by the government.
52. There are no religious practices which cannot be tolerated.
56. Everyone has the right to change his or her religion.
94. All are entitled to freely profess their religious convictions save in cases contrary to morality.

X	⊗	X	X	X
X	X	X	⊗	X
X	X	X	X	⊗
X	⊗	X	X	X
1	2	3	4	5

Scale mean = $13 \div 4 = 3.25$; $4 + 4 + 5 = 13$

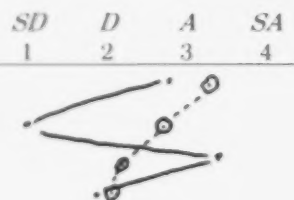
Repeat this procedure for each scale in the survey. Then graph the results in a simple manner. Here are a couple of ways to do it.

CLASS MEANS ON SUBSCALES

Attitudes toward:

Human Rights/general
Religious Rights
Political Rights
Duties

● ————— Pre-test
○ - - - - - Post-test



2'9

American Rights (Bill of Rights, Declaration of Independence)

2, 9, 26, 27, 150, 155.

Procedural Rights

40, 45, 46, 91, 96, 97, 99, 112, 113, 119, 124, 154.

Economic and Social Rights

6, 8, 12, 13, 19, 25, 32, 34, 36, 47, 49, 50, 54, 58, 59, 60, 61, 62, 63, 64, 65, 67, 69, 70, 71, 73, 74, 79, 92, 93, 98, 100, 101, 102, 103, 104, 105, 106, 107, 114, 115, 116, 117, 118, 121, 123, 127, 128, 129, 130, 138, 139, 140, 142, 143, 144, 145, 146, 153.

Duties and Responsibilities

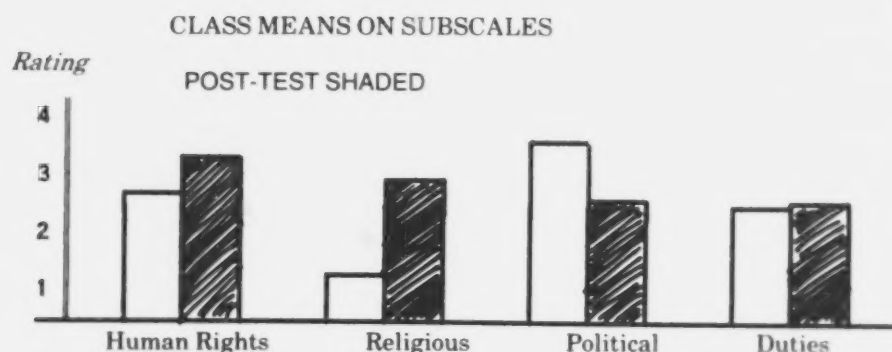
80, 81, 82, 83, 85, 108, 110, 111, 122, 126.

Religion

14, 52, 56, 94, 120, 125, 136.

calculate each student's mean score on the scale, then find the average of the students in the class (add the scores, divide by the number in the class). Here is an example:

or this:



Material adapted, with permission from Henry Ferguson, *Manual for Multicultural and Ethnic Studies*. Chicago: Intercultural Press, 1978.

Finally, feedback is a useful device for evaluating learning, and certainly has merit for evaluating any human rights program as a whole. A suggested form appears opposite. Your own form will be more suitable, but the principal points are to ask what has been the most significant learning and what has been best liked and most disliked. These comments indicate the success or failure of a particular strategy or exercise. If you are going to use feedback, it is best to systematize it and to regularize it.

Do up a form, your own or the one which appears on the opposite page. Use it regularly, every day, every other day, once a week. Make sure that students know it is to be expected and that they are to take it seriously. Be sure no one hands in a blank paper or skips handing it in.

Feedback should also be encouraged orally. A teacher who cares will allow a few minutes at the end of class or at the beginning of the next one for a careful review of what was learned. But this review should also include an open opportunity for students to state their likes and their dislikes. Why they liked something more than something else should be a subject for discussion. It is important to know the effects of a particular strategy or sequence on student tastes, not because you are always going to do what the student likes to do, but because when students like a particular form of learning they *may* be learning more effectively. Feedback which is solicited and received in a friendly manner *and which shows up in future activities* demonstrates to students that the teacher regards their feedback highly and that it is not simply an idle exercise. Cooperation will emerge between teacher and students leading toward most effective and most entertaining learning. Changes in strategy will be easier if the give and take between teacher

and students becomes regular and something to be anticipated.

If systematic and regular feedback has been solicited during the course of a human rights program, then it will be easy to get an overall report from students. This might be in a more formal document reporting on the learning attempted, but don't confuse a term paper or report on *what* was learned with feedback which should concentrate on *how* and *why* what was learned was learned. A one or two page free-flow reaction to the subject of human rights, the activities and the group would suffice.

What, in sum, will you end up with?

You will be able to change your approach to meet the needs students express in their feedback, and respond to the gaps which have shown up in both the affective and cognitive testing. Next time around, you will be doing a better job, for students will be learning more effectively about human rights.

What you will *not* have will be a series of individual grades on students' human rights attitudes. What you will have will be the capacity to judge movement in a group, and the capacity to judge a student's overall willingness to learn and skill in learning.

About attitudes of individuals toward human rights, you may do more than just hope. There are behaviors which can be seen and encouraged. Integration of human rights into student citizenship has been suggested as Exercise 26. In that strategy, we have asked for demonstration of sensitivity to rights and responsibilities. The strategy specifically calls for highlighting the school's established procedural rights to protect the basic rights. The behavior of the school may well reflect the human rights attitudes which you have been able to develop in your classroom.

Suggested feedback form. Note that anonymity is not possible if partners are named.

FEEDBACK

Date _____ Today's topic _____

My most important learning today:

Questions I would like to have answered:

1. _____
2. _____
3. _____

My team partner or partners today:

Who I would like to have as partner:

The things I like BEST about today's class:

The things I didn't like about today's class:

On a scale of 0 (poor) to 10 (very good), today's lesson met its objectives:

Objective 1:	10	9	8	7	6	5	4	3	2	1	0
2:	10	9	8	7	6	5	4	3	2	1	0
3:	10	9	8	7	6	5	4	3	2	1	0
4:	10	9	8	7	6	5	4	3	2	1	0